



PLANNING COMMISSION MEETING
November 16, 2015
Meeting Minutes

November 16, 2015 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Kelly, Liese, Sands, Struckhoff, von Achen

Staff present: McCullough, Stogsdill, Crick, Day, Larkin, M. Miller, Pepper, Simmons, Ewert

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 19, 2015.

Motioned by Commissioner Struckhoff, seconded by Commissioner Kelly, to approve the October 19, 2015 Planning Commission minutes.

Approved 8-0.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Culver said the Oread Design Guidelines subcommittee met last week and reviewed the draft document. He said the draft would go to the neighborhood and public for feedback and then to Planning Commission.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:
Commissioner Kelly said he would abstain from Item 7 due to his employer being USD 497.

Commissioner Culver said he would abstain from Item 7 since he served on the board of Boys & Girls Club and they were planning on building a facility near the College & Career Center.

PC Minutes 11/16/15

**ITEM NO. 1 MINOR SUBDIVISION VARIANCE FOR LAWRENCE-OUSDAHL NO. 1;
1714 W 23RD ST (SLD)**

Minor Subdivision, MS-15-00213, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Lawrence-Ousdahl No. 1, located at 1714 W. 23rd Street. Submitted by Lawrence Ousdahl, LTD, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked if the number of curb cuts in the area would be reduced.

Ms. Day said ultimately yes, that was part of the project.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 23rd Street subject to the following condition:

1. The plat shall be revised to include the following note: *On November 16, 2015 the Lawrence/Douglas County Planning commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the W. 23^d Street right-of-way to remain at 100 feet within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.*

Unanimously approved 8-0.

PC Minutes 11/16/15

ITEM NO. 2 MINOR SUBDIVISION VARIANCE FOR TOWER PLAZA ADDITION; 2540 IOWA ST (BJP)

Minor Subdivision, MS-15-00462, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Tower Plaza Addition, located at 2540 Iowa St. Submitted by Strick & Co. Inc., for Iowa 33 LLC, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Sands, to approve the variance request from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Iowa Street subject to the following condition:

The plat shall be revised to include the following note: *"On November 16, 2015, the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the Iowa Street right-of-way to remain at 100 feet within this Minor Subdivision in lieu of the 150 feet required for a Principal Arterial Street."*

Unanimously approved 8-0.

PC Minutes 11/16/15

ITEM NO. 3 RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)

Z-15-00427: Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Ave from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses. Submitted by Sunrise Green LLC, property owner of record. *Deferred by Planning Commission on 10/19/15.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. Milstein was present for questioning.

PUBLIC HEARING

Mr. Jim Carpenter said this project was difficult because of the fine intentions of the people involved. He said the land was surrounded by RS5 and RS7. He said the greenhouse was first built outside of city limits and the city was built around it with residential zoning. He said it had been a non-conforming use until Sunrise closed. He asked that Planning Commission come up with a way to preserve the RS7 zoning. He suggested adding an overlay district. He said only two uses required this zoning. He asked that Planning Commission deny the rezoning request.

Mr. Matthew Stephens said he lived three houses down from this site and would like to see the greenhouse stay on the site. He felt it was important to the neighborhood. He said having the site plan go to City Commission would provide the neighborhood a voice to any changes.

Ms. Melissa Freiburger said she lives three houses down from this site and that neighbors who live nearby are in favor of this. She said there were only one or two people opposed but that there was overwhelming support for the rezoning. She reminded Planning Commission of all the letters of support they received.

APPLICANT CLOSING COMMENTS

Mr. Milstein said the two to three individuals that were opposed to the project did not represent the neighborhood.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. Permitted uses are limited to those listed below:
 - a. Crop Agriculture
 - b. Social Service Agency
 - c. Health Care Office/Health Care Clinic, provided that the gross floor area shall not exceed 3,000 sq ft
 - d. Administrative and Professional Office

Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>

- e. Personal Improvement, provided that the gross floor area shall not exceed 3,000 sq ft
 - f. General Retail Sales, provided that the gross floor area shall not exceed 3,000 sq ft
 - g. Fast Order Food, provided that the gross floor area shall not exceed 3,000 sq ft
 - h. Limited Manufacturing and Production when approved with a Special Use Permit
 - i. Light Wholesale Storage and Distribution when approved with a Special Use Permit
 - j. Agricultural Sales
 - k. Neighborhood Religious Institution
 - l. Telecommunication Tower when approved with a Special Use Permit
 - m. Telecommunication Antennae, accessory
 - n. Satellite Dish, accessory
2. All site plans submitted for standard or major development projects shall require approval by the City Commission.

Commissioner von Achen asked why a PD Overlay was not applicable.

Ms. Stogsdill said it was an option but it would set the project back because in order to zone to a PD Overlay a plan would need to be prepared before. She said in staff's opinion the site plan approval to City Commission allowed the same element of control and public input. She said it would take Planning Commission out of the review of the site plan.

Mr. McCullough said there was a menu of uses the applicant wanted available and doesn't have them locked down enough yet to put them on a rock solid site plan. He said the equivalency would be to have a site plan go to City Commission.

Commissioner Britton said he would vote in favor of the motion. He said having the site plan go through City Commission would give the neighborhood control to speak up when the time comes.

Commissioner Denney said the neighbors expressed concern about maintaining the character of the area and this plan seemed to be doing that. He stated limited manufacturing and production, as well as light wholesale storage and distribution, would have to be approved by a Special Use Permit so that put sufficient control into this being a slippery slope into a serious industrial area.

Commissioner Kelly said in his mind the proposed Urban Agricultural Text Amendment didn't quite fit for this larger site. He said he would vote in favor of the recommendation.

Unanimously approved 8-0.

PC Minutes 11/16/15

ITEM NO. 4 RM12D TO RS7 & OS; 11.855 ACRES; 5800 OVERLAND DR (BJP)

Z-15-00463: Consider a request to rezone approximately 11.855 acres from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and OS (Open Space) District, located at 5800 Overland Dr. Submitted by Grob Engineering Services, LLC on behalf of Oregon Trail Holdings, LC and the City of Lawrence, property owners of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. John McGrew, Oregon Trail Holdings, said more single family lots were needed in Lawrence.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the request to rezone approximately 11.80 acres, from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and 0.055 acres from RM12D (Multi-Dwelling Residential) to OS (Open Space) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

PC Minutes 11/16/15

**ITEM NO. 5 CONDITIONAL USE PERMIT FOR PUBLIC WHOLESALE WATER SUPPLY
DISTRICT NO. 25; E 1300 RD & N 650 RD (MKM)**

CUP-15-00474: Consider a Conditional Use Permit for a Water Storage Tank & Booster Pump Station for Public Wholesale Water Supply District No. 25, on approximately 3 acres in the southeast corner of the intersection of E 1300 Rd & N 650 Rd/County Route 460. Submitted by Public Wholesale Water Supply District No. 25, for Harrison Family Farms LLC, property owner of record, and Public Wholesale Water Supply District No. 25, contract purchaser.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. John Ruckman, Bartlett & West, this is much like many other water storage tanks across the county. This is the centerpoint of the facility. This would be a supply for 2,500 residents.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Sands, to approve the Conditional Use Permit, CUP-15-00474, for a Rural Water District standpipe and booster pump station, a Utility use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

- a. The Conditional Use shall be administratively reviewed every 5 years.

Commissioner Britton asked how many water storage tanks there were.

Mr. Ruckman said he couldn't say for sure but that there were probably about 15-20 scattered across Douglas County.

Commissioner Kelly asked the applicant to comment on one of the letters they received that stated the tower would be better suited in another location. He asked Mr. Ruckman to comment on why this location was selected.

Mr. Ruckman said the location of mid-point allowed for pressure to have a breaking point. He said they also looked for higher elevated areas so the tank height could be as short as possible. He said they looked at another location near this site that would have required a 175' tower, which probably wouldn't have been in the best interest of the client or community. He said this location allowed for the tank to be shorter.

Commissioner Liese said when he served on Lecompton City Council they went through this exact same process for a water tank. He said it required a lot of engineering and good planning, which was why he would support this.

Commissioner von Achen asked the applicant to address the letter received that talked about how close the tower would be to the closest home, as well as increased traffic and noise.

Mr. Ruckman said the closest home was about 1000' to the north. He said as far as traffic and noise, the building would be insulated so there wouldn't be noise. He said there would be an onsite generator but that it would only be used in the event of a power outage. He said traffic at this location would be at most once a day. He stated the facility was meant to be un-manned other than when someone would stop by for about 15 minutes to make sure it was operating correctly.

Commissioner Britton said the applicant and staff did a good job of laying out how the impacts would be minimized by keeping the tank short.

Unanimously approved 8-0.

PC Minutes 11/16/15

ITEM NO. 6A GPI, RM12, & RS40 TO RM12; 14.756 ACRES; 5200 & 5300 CLINTON PKWY (SLD)

Z-15-00469: Consider a request to rezone approximately 14.756 acres from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 5200 & 5300 Clinton Pkwy. Submitted by Paul Werner Architects, for Genesis Health Clubs of Lawrence LLC, property owner of record.

ITEM NO. 6B SPECIAL USE PERMIT FOR FITNESS & TENNIS FACILITY; 5200 & 5300 CLINTON PKWY (SLD)

SUP-15-00468: Consider a Special Use Permit for an *Active Recreation* use, an indoor/outdoor Fitness & Tennis Facility, located at 5200 & 5300 Clinton Pkwy. The proposed facility will include 54,000 SF of indoor space and continue the use of the 6 existing outdoor tennis courts. Submitted by Paul Werner Architects, Genesis Health Clubs of Lawrence LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 6A and 6B together.

APPLICANT PRESENTATION

Ms. Leticia Cole, Paul Werner Architects, mostly agreed with the conditions in the staff report but wanted to see if conditions 2(g)(iii) and 2(g)(iv) could be reconsidered. She asked for leeway in where the 12 trees would be placed along Clinton Pkwy. She also felt the shrubs may not be applicable in this situation since the parking was not being changed.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked if there was the possibility of multi-dwelling being built in the spillway area.

Ms. Day said no.

Commissioner Britton asked staff to comment on the potential changes to conditions 2(g)(iii) and 2(g)(iv) that the applicant mentioned.

Ms. Day said regarding street trees, where they are located could depend on utilities and getting them appropriately spaced. She said the location of planting of trees could be easily managed between the applicant and staff as they move through the project. She said regarding screening, it was appropriate to have good screening of the parking lot on a major corridor and staff felt it was a reasonable recommendation.

ACTION TAKEN on Item 6A

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the request to rezone approximately 14.756, from GPI (General Public and Institutional) District, RM12 (Multi-

Dwelling Residential) District and RS40 (Single Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

ACTION TAKEN on Item 6B

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Special Use Permit, SUP-15-00468, for *Active Recreation* uses to be located at 5200 and 5300 Clinton Parkway, and forwarding the request to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Prior to the release of the Special Use Permit for issuance of a building permit the applicant shall provide a revised drawing to include the following notes and changes:
 - a. Provision of a revised plan that removes all references to KU and renames the project.
 - b. Drawing shall be revised per the approval of the City Stormwater Engineer to include the storm sewer information as noted on the previously approved UPR dated 8-9-2007 for the tennis courts east of the building to include pipe materials and sizes.
 - c. Drawing shall be revised per the approval of the City Stormwater Engineer to delineate the "easement" or area of inundation from the emergency spillway for Lake Alvarado/Yankee Tank Lake. This area shall be identified as a no build area in the event of a high water event for the dam and the subsequent use of the emergency spillway.
 - d. Provision of a note on the face of the site plan that states *"Changes to the lighting shall require the submission and approval of a photometric plan per section 20-1103 of the Land Development Code prior to the submission of a building permit."*
 - e. Provide a revised landscape plan per the City Parks Department approval to include a revised list of species for replanting as needed for this site.
 - f. Provision of a note that states: *"Changes or addition to mechanical equipment shall be screened in accordance with section 20-1006 (b) of the Land Development Code."*
 - g. Provision of a revised landscape plan to show the following changes:
 - i. Two additional trees along Clinton Parkway Frontage Road adjacent to 5200 Clinton Parkway.
 - ii. Two additional trees along the west side of Olympic Drive adjacent to 5300 Clinton Parkway.
 - iii. 12 trees along the north side of Clinton Parkway adjacent to 5300 Clinton Parkway.
 - iv. Provision of shrubs to create solid screening along the parking row parallel to Clinton Parkway west of Olympic Drive.
 - h. Update Special Use Permit plan and parking summary to reflect total square footage.

Commissioner Britton said the approaches to the property were prominent and he agree they should be landscaped and look nice.

Unanimously approved 8-0.

PC Minutes 11/16/15

ITEM NO. 7 IG TO IL; .972 ACRES; 1021 E 31ST ST (KES)

Z-15-00471: Consider a request to rezone approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st St. Submitted by Richard G. Sells on behalf of Spirit Industries Inc, property owner of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

Mr. Richard Sells said he had been looking for a location for a gun range and had only found 2 sites. He said he understood the free school gun act. He said in July 2014 open carry and conceal carry was signed into law. He said that took away some of the restrictions from the 1000' barrier. He said any person can walk up to a school with a hand gun as long as they don't go in. He also stated shooting on private land was allowed. He said the community center was less than 1000' from St. John's Catholic School, First United Methodist Church private preschool, Plymouth Congregational Church private preschool. He said for the past 19 years the city of Lawrence had operated a gun range inside the 1000' rule of a school and nobody had complained.

PUBLIC HEARING

Ms. Shannon Kimball, USD 497 Board of Education, expressed opposition to the rezoning. She discussed safety and security of the faculty and students. She said the proposed use would detrimentally affect the school district's College & Career Center site. It did not correctly address the impact of the federal gun free act. She said the campus in the future will partner with the Boys and Girls Club. She said a gun sale outlet and shooting range was not a compatible use with the neighboring school district educational use. She said the gun free school zone act created a 1000' gun free buffer around school district property. She stated the detriment to the school was very real and that the detriment outweighed the interest of the applicant in going forward with the rezoning. She asked Planning Commission to deny this for safety and security reasons.

Mr. Colby Wilson, Director of Boys & Girls Club, said they were in the process of building a new teen center next to the College & Career Center. He said the expectation was that it would provide a safe place, physically and emotionally. He expressed concern about safety and asked Planning Commission to deny the rezoning request.

Mr. Randy Masten said he could not recall a worse idea than allowing a gun range near a school. He said it was not compatible with the surrounding development. He said a gun range was not conducive to the safety and wellbeing of children. He asked Planning Commission to deny the rezoning.

Mr. Chris Lane said he was in favor of the rezoning. He said other states that allow gun facilities near schools have not had issues. He said 80% of gun fatalities and injuries were due to guns bought illegally, not those regulated by gun ranges and facilities. He said having a gun facility near a school does not increase gun violence in schools.

APPLICANT CLOSING COMMENTS

*Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>*

Mr. Sells said he understood where the school board was coming from. He said the State of Kansas conducted a poll and found out that 30-40% of houses had guns in them. He stated that would mean there were approximately 30,000 guns in Lawrence. He said those guns would be sprinkled throughout the city and surely within 1000' of every school. He stated his facility would work with the Police, Sheriff's Department, and University of Kansas, to provide a safe environment and that education would be a part of his facility. He stated this facility would be a way to teach people to be safe with guns. He said he would conduct background checks for every member for felonies and they would not be able to shoot at his club.

COMMISSION DISCUSSION

Commissioner Sands asked Mr. Randy Larkin for the City's opinion on the law.

Mr. Larkin said the gun free school zone act limited possession of fire arms within 1000' of a school. He said there were certain exceptions. He said it would not apply to private property or a gun in a motor vehicle that was not loaded and in a box. He said it did not prohibit a shooting range or the discharge of firearms on private property within 1000'. He said in the City's opinion it would not necessarily prohibit it. He said the main argument seemed to be people traveling on the street to get to this location would be in violation of the law, but motorists can't drive anywhere in Lawrence without coming within 1000' of a school. He said the it was the City's opinion that this use at this property would not be prohibited.

Commissioner von Achen asked Mr. Wilson to show on the map where the Boys & Girls club would be located.

Mr. Wilson pointed on the map and stated that the Boys & Girls Club would connect to the College & Career Center.

Commissioner Sands asked Mr. Wilson if the Boys & Girls Club had already made a determination that this was the final site for their building. He asked what impact the shooting range would have on their plans.

Mr. Wilson said yes. He said the Boys & Girls Club would move forward but it may impact the efforts to raise funds for the facility.

Commissioner Denney asked the applicant what caliber of weapons would be allowed at the facility.

Mr. Sells said most of the guns shot at his indoor range would be handguns, such as 22 or 9mm. He said the ballistics of the range would handle any weapon with a muzzle velocity of 3,600 feet per second, which would include up to a 300 Winchester magnum but he didn't know why someone would want to site that type of gun on a 25' range. He said the only rifles he would allow would be 22, AR15, and 300 Blackout.

Commissioner Britton said federal law would take priority over state law. He said they needed to be concerned about the gun free school act. He said there was nothing about this that necessarily conflicted with the federal law. He said the hard question was about safety and compatibility with the surrounding area.

Commissioner Sands asked the applicant about his earlier comment about working with Police, Sheriff's Department, and KU Public & Safety.

Mr. Sells said he planned to work with them but did not have any correspondence with them yet. He said he talked to the fire department and they wanted to see the gun range happen. He said he had been approached by the National Guard who said they had to drive to Kansas City and Topeka to get qualified. He said he wanted to have a facility in place before he reached out to Police, Sheriff, and KU Police.

Commissioner Sands asked who at the National Guard Mr. Sells talked to.

Mr. Sells said he talked to a gentleman with the last name of Rogers. He said the conversation took place during a swim meet that their daughters were in.

Commissioner Sands said a key distinction needed to be made that Mr. Sells talked to individuals who provided their personal opinion but that they were not speaking on behalf of any organization.

Mr. Sells said that was correct.

Commissioner von Achen asked if the shooting range in the community building was still there.

Mr. Sells said yes.

Commissioner von Achen asked what kind of people Mr. Sells would hire to teach gun safety.

Mr. Sells said he would hire qualified people who would pass National Rifle Association provided tests.

Commissioner Liese said he received a conceal carry license in the past and owned guns. He wondered what percentage of customers would not qualify to join the club.

Mr. Sells said applicants names would be run through the National Instant Criminal Background Check System Nix program. He said anyone who did not pass that would not be allowed. He said in his experience it hasn't happened that often. He said he didn't know how many felons lived in Lawrence.

Commissioner Liese expressed concern about felons being turned away and being near a school. Commissioner Liese inquired about noise from the site.

Mr. Sells said there may be a popping noise, but not booming noise. He said he had lengthy rules that members would have to follow.

Commissioner Denney said federal law took precedent over state law. He said the federal law had exceptions. He said in the state of Kansas if you are licensed to have a conceal carry or retired law enforcement officer the 1000' rule does not apply. He said he drove by the area and the proposed site elevation was lower than the school district property. He said with the elevation a stray bullet would be unlikely to impact the school property. He said it came down to whether this was equal to an adult business or some other activity like that near a school.

Ms. Kimball said the business building could not be seen from the parking lot but that there were large banks of windows.

Commissioner Denney said the College & Career Center was close but not right across the street. He said the Bullet Hole in Overland Park was in a residential area. He said it was not unheard of.

Commissioner Liese said he wished there was a good gun range/gun shop in the county. He said having spent time at gun shops the people who walk around outside and come inside could be scary. He said he could not vote for this because of what goes on around a gun shop. He said he would vote in opposition but could support it in another location away from a school.

Commissioner Britton agreed with Commissioner Liese. He said any time they were talking about rezoning or significant change in an area they need to take the opposition seriously. He said the neighbors were the school district and Boys & Girls Club and if they have serious concerns about safety then they take those concerns seriously. He said it was a piece of mind thing for those taking their children there and employees who work there. He said often Planning Commission hears situations where neighbors are talking about not wanting something in their backyard. He said this wasn't like a cell or water tower where it was needed. He said a gun range wasn't a necessity.

Mr. McCullough said the rezoning request would accommodate the gun range use. He asked them to think about whether they thought the Code was deficient in its treatment with this particular use. He said there weren't prohibitions in the Code for locating this use to schools or other types of uses. He said Planning Commission may want to have a discussion about amending the Code to where gun ranges or retail sales should occur in the city. He said if the property had already been zoned IL then they wouldn't be having this discussion and it would have gone through an administrative site plan process.

Commissioner Britton asked staff if they needed to do anything with the request tonight. He said the zoning made sense but the use did not.

Mr. McCullough said he recommended making their opinions known in the minutes for City Commission. He said staff will know better after City Commission if a Code amendment may be necessary. He said on its face value they would support the recreation, but it was a gun range not a basketball court.

Commissioner Liese asked if the property had been zoned correctly at what point would the use have been questioned.

Mr. McCullough said through the site plan review.

Commissioner Denney said they should vote on if it fits in the Code. He asked Mr. Larkin about State law.

Mr. Larkin said there would be limitations on what the City could do. He said they could do some things like they do with drinking establishments, such as distances and time.

Commissioner Liese said Planning Commission was just a recommending body and that it was ultimately up to City Commission. He felt the issue would come back to Planning Commission one way or the other.

Commissioner Denney asked if they voted to deny the rezoning if it would go to City Commission.

Mr. McCullough said yes.

Commissioner Sands said in looking at the Golden Factor criteria it fit many but not all. He said the length of time the property was vacant was quite a while. He said regarding the relative gain to public health safety and welfare he was on the fence. He felt they should base decisions on facts not fears. He said if they try to create new zoning criteria it would unnecessarily restrict the decisions of Planning Commission. He said regarding safety, his fear was negligence discharge outside the box. He said he did not think gun ranges or gun shops draw certain types of people. He cautioned the applicant about mischaracterizing opinions of government agencies. He said he would vote in favor of the rezoning but just barely.

Commissioner von Achen commended Mr. Sells for his objective on training gun owners. She said she was uncomfortable endorsing this and referred to the Golden Factor of welfare health and safety. She said if anything ever happened it would be difficult for Planning Commission to handle. She said she would not support this but hoped the applicant found another location more appropriate.

Commissioner Struckhoff echoed Commissioner von Achen's comments about the applicant wanting to provide training. He said the difference between this location and the gun range in the community building was the retail aspect. He said he would not support the rezoning for the Golden Factor of wellness, health and safety.

Commissioner Struckhoff said this was difficult decision for him and he was on the fence.

Commissioner Denney said he was not as concerned about the Boys & Girls Club teen center because it would be more than 1000' away. He said if it was 50-75' across the street then yes it would be too close. He said given the distance and topography he would vote in favor of approval.

Commissioner Britton felt staff made the right recommendation based on the zoning ordinances. He commended the applicant for his work and emphasizing the educational side. He said when it came to public safety he preferred to error on the side of caution. He said he would vote against approval. He said Mary's Lake was near the site and another factor to consider. He felt perhaps they should consider looking at a text amendment so this could be separated out in the future.

Commissioner Liese asked staff to look into other municipalities and how they handle this issue.

Commissioner Britton suggested that the topic be a possible mid-month topic.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to recommend denial of the rezoning request and forward to City Commission.

Motion carried 4-2-2. Commissioner Britton, Liese, Struckhoff, and von Achen voted in favor of the motion. Commissioners Denney and Sands voted against the motion. Commissioners Culver and Kelly abstained.

PC Minutes 11/16/15

ITEM NO. 8 TEXT AMENDMENT FOR EVENT CENTER USE (JSC)

TA-15-00443: Consider a Text Amendment to the City of Lawrence Development Code, Chapters 4, 5, 9 and 17, to define and create an *Event Center* use. *Initiated by Planning Commission on 8/24/15.*

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve revised text for Articles 4, 9, and 17, and forwarding of the proposed text amendments to Chapter 20, Articles 4, 9, and 17 to the City Commission with a recommendation for approval and adoption.

Mr. McCullough asked Planning Commission to have a brief discussion about whether the Special Use Permit was the right vehicle or whether allowing them by right was the best method. He said staff landed on a Special Use Permit because it would allow City Commission a wider range of context to which to put conditions to and have a public process.

Commissioner Liese thanked staff.

Commissioner Britton felt a Special Use Permit was the right tool, especially in a residential neighborhood.

Commissioner Kelly agreed with Commissioner Britton's comments. He asked staff why the GPI District was included.

Mr. Crick said the Lawrence Arts Center, which was zoned GPI, could be rented out in that capacity.

Unanimously approved 8-0.

PC Minutes 11/16/15

**ITEM NO. 9 TEXT AMENDMENT FOR PERSONAL CONVENIENCE SERVICES &
PERSONAL IMPROVEMENT SERVICE (SMS)**

TA-15-00391: Consider a Text Amendment to the City of Lawrence Land Development Code to review the *Personal Convenience Services* and *Personal Improvement Service* uses and determine if amendments are necessary to permit salons as a use in the RSO (Single-Dwelling Residential-Office) zoning district. *Initiated by City Commission on 9/1/15.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked what Participant or Transient Habitation meant.

Ms. Stogsdill said it was Sports and Recreation Participant versus Sports and Recreation spectator. She said it was a use in the Code. She said Transient Habitation was the use in the Code for lodging facilities such as hotels, motels, bed and breakfasts.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the revised text for Articles 4, 5, and 17, and forwarding of the proposed text amendments to Chapter 20, Articles 4, 5, and 17 to the City Commission with a recommendation for approval and adoption.

Unanimously approved 8-0.

PC Minutes 11/16/15

ITEM NO. 10 TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Discussion will focus on defining types of Major Recreational Equipment and identifying permitted parking locations for this equipment on residential properties. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods (LAN), said there were approximately 45 neighborhoods in the City with about 16 active neighborhoods that attend LAN meetings. She said the Code was outdated and needed to be addressed. She expressed concern about stacked parking for duplexes and asked them to initiate an amendment for duplex parking.

COMMISSION DISCUSSION

Planning Commission discussed the staff report and their past recommendations.

Mr. McCullough said there was no need to initiate a text amendment for duplex parking because it could be rolled into this text amendment.

Ms. Davis said it had become a trend to build large duplexes.

NO ACTION TAKEN

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2016 PLANNING COMMISSION MEETING CALENDAR

Review and consider adopting the 2016 Planning Commission meeting calendar.

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the 2016 Planning Commission Meeting Calendar.

Unanimously approved 8-0.

MISC NO. 2 REQUESTS FOR JOINT MEETINGS

Planning Commission/Historic Resources Commission joint discussion regarding Oread Design Guidelines at the Thursday, February 18, 2016 Historic Resources Commission meeting at 6:30pm.

Planning Commission/Historic Resources Commission joint public hearing regarding Oread Design Guidelines during the March, 2016 Planning Commission meeting.

Planning Commission/Sustainability Advisory Board joint evening Mid-Month meeting during the first quarter of 2016.

MISC NO. 3 RECEIVE RETAIL MARKET REPORT

Receive the 2015 Retail Market Report. In accordance with *Horizon 2020* and Land Development Code Section 20-1107(b)(1), Planning Staff has developed the 2015 Retail Market Report:

<http://www.lawrenceks.org/assets/pds/planning/documents/2015-Retail-Market-Report.pdf>

ADJOURN 11:06pm