

Bobbie Walthall

From: Michael Kelly <job4mike6@aol.com>
Sent: Tuesday, January 12, 2016 1:42 PM
To: Mike Amyx; Leslie Soden; Stuart Boley; Matthew Herbert; Lisa Larsen
Cc: Shannon Kimball; Scott McCullough; Diane Stoddard; Bobbie Walthall; Chad Lawhorn; nwentling@ljworld.com; rvalverde@ljworld.com
Subject: Gun Range Zoning--Z-15-00471

City Leaders-

I urge you to vote in favor of the gun range rezoning application submitted by Mr. Sells.

I am a retired military veteran of 34 years active duty and hold a Master of Science degree from the Air Force Institute of Technology School of Engineering. I was a technical advisor for weapon safety for a significant portion of my active service.

Know this:

Better training results in better safety. Gun owners should have a facility to safely maintain their weapon proficiency. Use of Mr. Sell's proposed business would improve the safety of gun owners in our community. A properly designed facility is a necessary predicate for useful firearms training. Many in our community use their weapons in the performance of their public safety jobs or their reserve military service. This proposed business will permit more gun owners to train safely.

The proposed location in the SE portion of our city is a favorable factor, not a negative factor as the school board has wrongly claimed. All of the land south of the proposed location is sparsely populated land. Prairie Park and Haskell INU are nearby and are comprised largely of sparsely populated areas.

An accidental firearm discharge can take any azimuth from zero to 360 degrees and an elevation of minus 90 to plus 90 degrees. Only a tightly constrained set of aim points would create a trajectory for an accidental discharge to hit the USD 497 property. There are perhaps 5 degrees of azimuth and one degree of elevation that would create such a dangerous trajectory. Given this rudimentary ballistic analysis, there is roughly one chance in 8 thousand that a random accidental discharge would hit the USD 497 property. Further, as Planning Commissioner Denney previously noted, the higher elevation ground of the College and Career Center facility under USD 497 jurisdiction is largely protected from low elevation trajectory from the proposed gun range facility by the terrain and vegetation which create ballistic obstacles.

I understand, but respectfully disagree with, the views of many in Lawrence in favor of large-scale infringement on the current and long-held Constitutional right to bear arms. I went in the way of danger many times in my military career to protect ALL of their Constitutional rights. Accordingly, those citizens have the right to favor changes in our Constitution. I suggest those who hold such views to loudly and repeatedly call for repeal of the Second Amendment rather than falsely claim to improve public safety by this type of zoning regulation.

The school board's characterization of safety-minded gun owners and future business customers as non-compliant with federal law are plainly offensive and not supported by empirical data available to me. Ask any school board member that appears before you for such empirical data (not political judgment) that substantiates the school board's high level of skepticism.

When you do the math of the ballistics (as I have) the risk of accidental firearms discharge hitting any part of USD 497 property is quite small (1 in 8,200) and the risk of injury even smaller because the occupants comprise only a small part of the entire property. Further, the property will not be used at all hours of operation of Mr. Sell's proposed business. Certainly the gun range could be operating without any risk to student or instructor injury from an accidental firearms discharge on days and times when USD 497 classes are not in session and the school building is vacant.

Approval of this rezoning will make gun owners more safe, not less. Accordingly, the community will be more safe, not less, when the gun range is open for business.

I will be unable to attend the City Commission meeting tonight due to a conflict with my school's Site Council meeting and other obligations.

Thank you for your careful consideration of my views and those of other citizens,

Michael K. Kelly
Lawrence KS Taxpayer and Voter

Bobbie Walthall

To: Beth Meyers
Subject: RE: 1-12-16 Regular Agenda Item 2

-----Original Message-----

From: Beth Meyers [<mailto:bmeyers@sunflower.com>]
Sent: Tuesday, January 12, 2016 12:27 PM
To: Bobbie Walthall
Subject: 1-12-16 Regular Agenda Item 2

1-12-16

City Commission Members:

Regarding the continued efforts to have a gun range and retail gun store near a South Lawrence neighborhood:

The previous objections have been that the range would be too close to the new post-secondary tech learning center, and that a zoning change to allow a retail gun store in the facility would have a deleterious effect on the nearby neighborhood. Mr. Sells continues to maintain that the property he owns is already zoned industrial, which is true, and that the area around it is not residential. That is untrue!

The Prairie Park Neighborhood, bordered by 24th Street on the North, 30th Street on the South, Haskell Avenue on the West and McConnell Rd. on the East, consists of approximately 1,178 HOMES!! It includes an elementary school, a nature center and wildlife environment and a small lake.

The property on which Mr. Sells wants to have his gun range and store, 1021 E. 31st., is currently zoned industrial, but it borders both the Mary's Lake RESIDENTIAL subdivision (south of 28th) and the rest of the Prairie Park Neighborhood. Both Prairie Park Elementary School, at 2711 Kensington, and the Prairie Park Nature Center and land at 2730 Harper out to Mary's Lake, are only FOUR BLOCKS from the proposed development!

The industrial designation of the area helped the residential neighborhood grow when assembly plants like King Radio were the major employers. It was easy for people to live close to where they worked. The neighborhood's affordability and close-knit, family-oriented character have remained the same, even though more people now commute to Olathe or KC for work. How would Mr. Sells' enterprise affect this neighborhood?

How much traffic does the proposed indoor gun facility expect on a daily or weekly basis? How much of a change is that from current numbers? Would weekend traffic increase, and if so, by how much? How much parking would it require? How many hours a day would it be open? Would parking lot lights affect the Nature Trails environment?

Would increased traffic fumes and exhaust pollution affect the entirety of Prairie Park?

Would there be periodic tournaments or sales that would bring in more traffic than usual? How often? How much more traffic could be expected?

How much would infrastructure, such as storm drainage or noise abatement, be affected?

Please, please remember that it's easier to prevent something than it is to ameliorate the undesired effects once the changes are made!!

We have numerous examples of endeavors that seemed good ideas at the time and then failed. When this happens out by I-70, it's sad but not tragic, but what Mr. Sells is proposing could undermine this close and affordable neighborhood in ways not even conceived of yet!

There are other locales in Lawrence more suitable to Mr. Sells' enterprise, but this particular property is not the best suited for his endeavor!

PLEASE REMEMBER THAT JUST BECAUSE SOMETHING IS LEGAL DOESN'T MEAN IT'S A GOOD IDEA! THAT ARGUMENT MISSES THE POINT ENTIRELY!

I think the zoning of 1021 E. 31st should remain the same industrial designation and use as it has been since the neighborhood was developed.

Thank you for your thoughtful consideration.

Sincerely,
Beth Meyrs
2703 Bonanza

Attachments:

Journal World article of November 15, 2015 Journal World article of January 11, 2016 JPEG map of the Prairie Park neighborhood

November 15, 2015

Lawrence school board members are voicing opposition to a shooting range and gun shop that is proposed for a location across the street from the district's new college and career center.

"It's not an appropriate location for a business that sells deadly weapons — that close to a school," said school board member Shannon Kimball.

Kimball brought up the topic at the board's meeting last week, and board members have since written a letter voicing their official opposition, calling the proposal "unreasonable." The Douglas County Planning Commission will consider the issue at its Monday meeting, in which a public hearing about the rezoning request that would allow for the proposed shooting range and shop is scheduled.

Commissioners will vote on whether to approve the request of Lawrence businessman Rick Sells to rezone an approximately 1-acre property at 1021 E. 31st St. — currently a vacant industrial building — to allow for the indoor shooting range and a gun sales and repair shop, according to the commission's report. The rezoning request is recommended for approval.

Sells — the former owner of Lawrence Athletic Club and a substitute teacher for the school district — said he is not against the district's concerns and will be providing details about the safety measures and regulations that would be in place.

"I can understand why people are a little concerned, because when you say guns, it's a scary topic," he said, noting that if people from the school district or community have questions, he'd like to answer them.

<https://goo.gl/maps/MXjwvcnUL6S2>

The Lawrence College and Career Center, 2910 Haskell Ave., is located across 31st — about 760 feet — from the proposed site. The LCCC is attended by hundreds of students from both high schools. It's also adjacent to the proposed site for the future Boys & Girls Club teen center, which will run an after-school program for about 300 middle and high

school students.

Colby Wilson, executive director of the Boys & Girls Club of Lawrence, said the club supports the school district's stance, but explained he will be attending Monday's meeting to learn more about the proposal and safety measures that would be in place.

"We need the club and the college and career center to be a safe place," Wilson said. "We need people to trust that their kids are going to be safe there, and I'm not sure if this is the best fit for a gun range."

Amid an increase in school shootings across the country, the district has made efforts to tighten security at its 21 schools. As part of the district's \$92.5 million bond issue, all schools are getting renovations, which include safety updates such as secure entrances, keypad-entry classroom doors and portable remotes that teachers can carry to lock classrooms at the press of a button. Kimball said having a business that sells guns so close to a school is contrary to such measures.

"We have undertaken a massive effort in our district to increase the safety and security of our campuses, and this just feels wrong in that light," she said.

However, there are no local codes that would prohibit the location of a gun range or shop within 1,000 feet of a school, according to the commission's report. The federal Gun-Free School Zones Act prohibits possession and discharge of firearms within 1,000 feet of a school but has several exceptions, including on private property.

Sells said he doesn't think guns are the problem or that the act would necessarily stop violence.

"It doesn't matter whether that act says 5 feet, 500 feet, 1,000 feet or 10,000 feet, if someone is going to do something stupid, they're going to do it no matter what," he said.

The Gun-Free School Zones Act also requires guns be unloaded within the 1,000-foot zones, unless on private property, so customers of the proposed business could not load their weapons until they entered the property. Kimball argues that puts the burden to comply on the individual.

“I don’t think that there’s any way that you can reasonably expect all customers of a business like that to comply with that statue,” she said.

Sells said he thought more gun training and education would be beneficial to public safety. His customers would not only be informed of the law requiring them to bring their weapons unloaded, but also would be required to sign an agreement to do so, he said. In addition, Sells said, a gun safety and range etiquette class would be available for \$10 and required for customers under the age of 18.

“We’re going way out of our way to make sure this place is safe,” he said.

Sells confirmed that there is another potential location for the business, in the Malls Shopping Center at the intersection of 23rd and Louisiana streets. He noted that location has a residential neighborhood to its south and is near both Lawrence High School and South Middle School.

The Douglas County Planning Commission is scheduled to meet from 6:30 to 10:30 p.m. Monday at City Hall, 6 E. 6th St. The rezoning proposal is the seventh of 10 items on the agenda.

Originally published at: [http://www2.ljworld.com/news/2015/nov/15/lawrence-school-board-against-shooting-range-near-/](http://www2.ljworld.com/news/2015/nov/15/lawrence-school-board-against-shooting-range-near/)

January 11, 2016

City commissioners will have the final say Tuesday on whether a new gun range can be located in a spot on the southern edge of Lawrence near the school district's College and Career Center — a proposal that has pitted the school district against the local businessman behind the idea.

Commissioners will have to decide between following up on a recommendation by the Lawrence-Douglas County Planning Commission to reject the proposal because of the site's proximity to the school, and their staff's support for the business, the location of which they say is legal according to federal, state and city laws.

"I've been talking with some of the city commissioners and going over some stuff," said Rick Sells, who's proposing the range. "There's a lot of stuff they're going to have to take into consideration."

Sells plans to open the indoor shooting range and gun sales and repair shop in the vacant building at 1021 E. 31st St., about 760 feet away from the Lawrence College and Career Center at 2910 Haskell Ave. The center is attended by hundreds of students from both high schools.

The property at 1021 E. 31st St. is currently zoned as industrial. In order to locate the business there, Sells is seeking to rezone it to commercial.

https://www.google.com/maps/d/edit?mid=zcXj7zKCiv9Q.kVarj1t_7OHg&usp=sharing

The planning commission voted 4-2 on Nov. 16 to recommend the City Commission deny the request. The vote was taken after the Lawrence Board of Education came out in opposition to the gun range because of its concern for the safety students and staff at the College and Career Center.

The [board's letter of opposition](#) also states that there are plans for a new Lawrence Boys and Girls Club Teen Center to be constructed on the College and Career Center's campus. The club is currently accepting donations for the teen center, which will operate an after-school program for about 300 middle and high school students.

“It’s not an appropriate location for a business that sells deadly weapons — that close to a school,” school board member Shannon Kimball told the planning commission.

After hearing the school board’s complaints, Sells said he had little time to defend himself before the planning commission took its vote. He said he had not heard any negative feedback about his idea before then.

“There was one guy who said, ‘Rick, you’re going to try to open a gun club in the big blue dot?’” Sells said, referencing Lawrence's reputation as a liberal community. “I said, ‘I’m going to give it a whirl.’”

When considering this issue, one thing commissioners will have to note, Sells said, is that the location of the proposed range is legal.

Both the school board’s letter and a city staff report point out the federal Gun-Free School Zones Act, which prohibits any person from knowingly possessing a firearm within a 1,000 feet of a school. The shooting range would be an exception to the law because it allows possession and firing of a gun on private property.

Sells said the law would require anyone leaving the shooting range to store their unloaded firearms in a locked container before leaving the property.

In their letter, the school board members stated they were “highly skeptical” that customers would take that precaution.

“If it was illegal, I’d be right there with them; I’d agree, I’d understand,” he continued. “But there’s nothing to keep me from doing this legally.”

Among the items Sells hopes city commissioners will consider Tuesday are the safety measures that would be implemented in his renovation of the property to follow federal regulations on gun range design.

He also said the shooting range would provide another in-town option to Lawrence gun owners, some of whom, he said, travel to other cities to use their shooting facilities.

Lawrence does have a city-owned gun range in the basement of the Community Building

at 115 W. 11th St. It's used by the Douglas County Rifle/Pistol Club and open to the public weekday nights.

Sells said this point was a "pet peeve."

"Everybody in town against this, what they don't realize is there's a gun range in the basement of the community building," he said.

Sells said that if the rezoning is not approved Tuesday, he has a backup location in mind: the Malls Shopping Center at the intersection of 23rd and Louisiana streets.

With that location, Sells would not have to go through the zoning process, as it is already zoned as commercial.

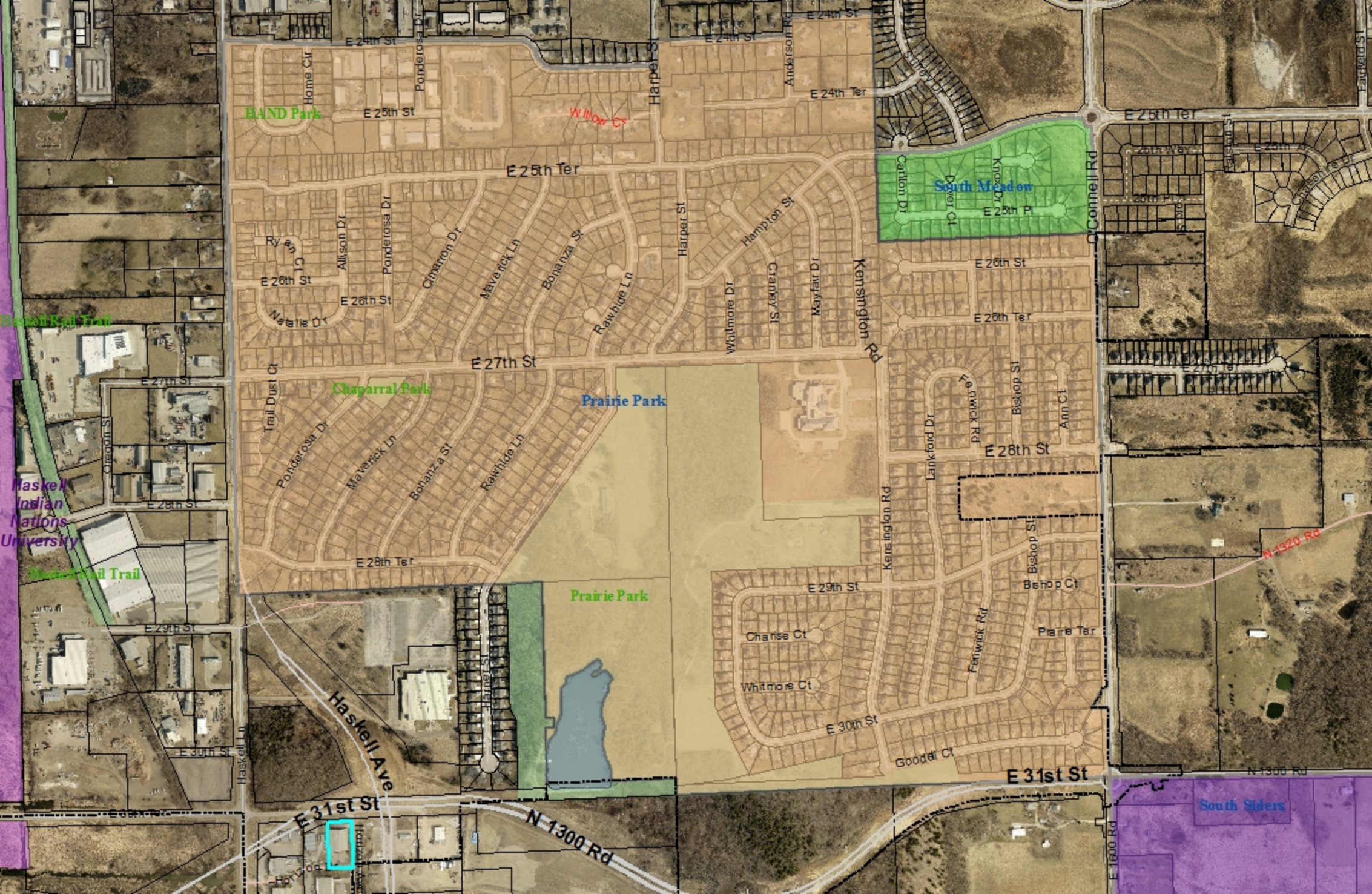
Sells prefers the location on 31st Street, which is on the southern edge of town, away from residential neighborhoods.

Though he's wary of how commissioners will vote, Sells said he would go into the meeting Tuesday "open-minded."

He said one thing he'd be fighting against is that the public is mostly "uneducated about the topic" or the reasoning for which people would want to use the range.

"A lot of guys work all week, and by Thursday they're stressed out. Some of them go to the country club and hit a bucket of golf balls, but some people like to squeeze a trigger," Sells said. "It is a recreation."

Originally published at: <http://www2.ljworld.com/news/2016/jan/11/city-commission-consider-proposed-gun-range-near-s/>



Hand Park

South Meadow

Chaparral Park

Prairie Park

Prairie Park

South Siders

Haskell Trail

Haskell Indian Nations University

Haskell Trail

Haskell Ave

E 31st St

N 1300 Rd

E 31st St

N 1320 Rd



Lawrence Public Schools USD 497
110 McDonald Drive
Lawrence, Kansas 66044-1063
Telephone: (785) 832-5000
Fax: (785) 832-5020
www.usd497.org



November 13, 2015

Lawrence-Douglas County Metropolitan Planning Commission
Scott McCullough, Director, Planning and Development Services
City Hall, 6 East 6th Street, PO Box 708
Lawrence, KS 66044

Dear Mr. McCullough and Planning Commissioners,

I write today on behalf of the Lawrence Board of Education, which opposes the staff recommendation to approve the rezoning request (Z-15-00471) from IG (General Industrial) District to IL (Limited Industrial) District in order to allow an applicant to provide an indoor shooting range and gun sales and repair shop at 1021 E. 31st Street. This property is within a school zone; specifically, it's located 760 ft. from a public school, the Lawrence College and Career Center at 2910 Haskell Avenue. In addition, the College and Career Center campus will be home to the Lawrence Boys and Girls Club's future Teen Center, which will serve students as young as the sixth grade.

While the Board understands that the Gun-Free School Zones Act does not prohibit gun sales or a shooting range from locating on private property in a school zone, the federal law does require that consumers entering or leaving the private premises ensure that all firearms are unloaded and stored in locked containers. The Board is highly skeptical that customers will take these lawful precautions prior to entering or exiting the premises. The challenges with enforcement of the federal law relating to Gun-Free School Zones seem insurmountable, and the Board thinks, therefore, that it would be unreasonable to allow the rezoning to occur for the purpose of locating a gun shop/shooting range in a school zone.

The Board discussed this issue at its November 9, 2015, meeting. Due to board members' safety concerns for students and school staff, the Board strongly opposes the staff recommendation to approve the rezoning request related to 1021 E. 31st Street for the purpose of allowing an indoor shooting range and gun sales and repair shop in a school zone. The Board urges Lawrence-Douglas County Metropolitan Planning Commissioners to deny this rezoning request.

Sincerely,



Vanessa Sanburn, President

Cc: Lawrence Board of Education

Marcel Harmon	Jill Fincher
Kristie Adair	Rick Ingram
Jessica Beeson	Shannon Kimball

-----Original Message-----

From: Shannon Kimball

Sent: Monday, November 09, 2015 6:48 PM

To: Patrick Kelly <PKelly@usd497.org>; Rick Doll <RDoll@usd497.org>

Subject: Federal gun free school zones act of 1996 information

I found this information pamphlet while doing a little bit of digging on the federal statutory issues noted by the city. My reading of the attached is that while the gun shop/shooting range would be allowed because it's on private property, any customer entering or leaving the gun shop would have to ensure that the firearm is unloaded and in a locked container except while on the private premises. I am highly skeptical that customers of a gun shop would be willing to lock their guns in a container before putting them in their cars and driving off in order to comply with the federal statute. I think the enforcement issues here are insurmountable and therefore it would not be reasonable to allow the rezoning to occur for the purpose of locating a gun shop less than 1000 feet from our school facility.

Thanks, Shannon

<https://www.atf.gov/file/58691/download>



(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

- (i) on private property not part of school grounds;
 - (ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;
 - (iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
 - (iv) by a law enforcement officer acting in his or her official capacity.
- (4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

If you have any questions, contact:

**Bureau of Alcohol, Tobacco, Firearms
and Explosives**
650 Massachusetts Ave., NW
Washington, DC 20226
(202) 927-7770

or

Visit our web site at www.atf.gov



General Information

Generally, it is unlawful for any individual to knowingly possess a firearm within a school zone. A school zone is defined as being within a distance of 1,000 feet from the grounds of a public, parochial, or private school. This prohibition does not apply to the possession of a firearm on private property not part of school grounds such as an FFL's business premise (e.g., commercial storefront, residence, or driveway)

Once a customer leaves private property located within 1,000 feet of a school with a firearm, they may be in violation of Federal Law. However, in the following situations an individual would not be possessing a firearm in violation of 922(q)(A):

1. The individual is licensed by the State or political subdivision to possess the firearm, and the license was issued after law enforcement officials verified that the individual is qualified to receive the license;
2. The firearm is unloaded and is contained within a locked container or a locked firearms rack that is on a motor vehicle;
3. The firearm is possessed by an individual for use in a school-approved program;
4. The individual or his/her employer is doing so in accordance with a contract between the individual and the school;
5. The individual is a law enforcement officer acting in their official capacity; or
6. The individual is crossing school grounds to reach a public or private way. Their firearm is unloaded, and they have permission from the school.

ATF realizes that not all persons who enter or exit an FFL's premises in such case may fall under one of the above-described statutory exemptions. Therefore, ATF advises that in those States where a permit is not needed, the FFL should ensure that prior to a purchaser leaving the business premise with a firearm that it is unloaded and placed in a locked container.

Federal Law

The Gun Control Act of 1968, 18 U.S.C. Chapter 44, provides in pertinent parts as follows:

18 U.S.C. 922(q)(1)

(q)(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

- (i) on private property not part of school grounds;
- (ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;
- (iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.