

Lawrence-Douglas County Metropolitan Planning Commission

ATTN: Bruce Liese, Chair

City Hall, 6 East 6th Street

Lawrence, KS 66044

Re: CPA-13-00067: Horizon 2020, Chapter 6 and Revised Southern Development Plan

Z-13-00071: RM12 to CR: Menards

Dear Commissioners,

Over the last few years, we made the decision that we would stay in our property until such time that we were no longer physically capable of doing so. However, over the last several months, things began to change. It looks like the extension of the South Lawrence Trafficway is to become a reality. Concerned for the road alignment changes and the impact on traffic around our property, we sought out KDOT, the City, and the County to discuss our concerns. We were then approached by the City regarding the purchase of the eastern end of our property at 31st and Louisiana. Shortly thereafter, we were made aware of the pending Menard's project.

Each proposed change has made us re-evaluate our thoughts regarding the ability to stay in our home. Given what is happening around us, it is only prudent for us to become pro-active in what our land might look like going forward. We also believe the happenings present a good opportunity to put to rest many lingering questions about all undeveloped land between Home Depot and Louisiana Street, on the north side of 31st Street. It only makes sense to plan this entire area at the same time, instead of in piecemeal fashion. Doing so allows the entire area's land uses to be identified, as well as access points. To that end, we have enclosed a conceptual plan for our entire property for your review. We ask that you take it into consideration, along with the following comments, as you review H2020, the Southern Development Plan, and the Menard's project proposal.

- We are in general support of the zoning change for Menard's.
- We ask that the changes to H2020 and the Southern Development Plans reflect the uses shown in our conceptual plan. We believe it creates a clear termination to any future 31st Street commercial development; preserves the Naismith Creek and Belle Haven Tributary floodways through Open Space zoning; and provides an extension of the Naismith Valley Park and its shared-use bike path.

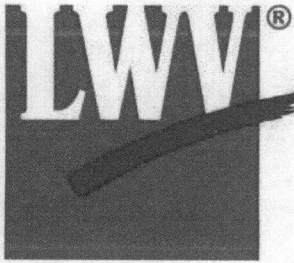
- We believe this is a perfect opportunity to control access onto the remainder of 31st Street east to Louisiana Street. As such, we request that the zoning change requested by Menard's be conditioned upon access points as determined by the City on the final plat. This requirement will allow the City to make sure that curb cuts onto 31st Street are minimized and adequately serve the remainder of the property east to Louisiana. It is our belief (expressed by us to the City, County, and KDOT over the last 6 months) that a lighted intersection will ultimately be needed at the intersection of the re-aligned Louisiana (to be named Michigan Street). Eliminating the current eastern access into the Menard's property, and moving that eastern access to align with the new Michigan Street, allows the entire length of undeveloped property east to Louisiana to be serviced with that one curb cut. Failure to do so will create the need for more curb cuts along 31st and will only serve to hamper travel on 31st Street.

In closing, we understand time changes things. We also understand with change comes opportunity. With the many changes going on, we see an opportunity to work out a plan for a large area of ground in a way that puts to rest many unanswered questions, resulting in a well-planned future. Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Snodgrass".

Bruce Snodgrass and family



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
MAY 20 2013
City County Planning Office
Lawrence, Kansas

May 19, 2013

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

RE: ITEMS 4 AND 5: CPA-13-00067: HORIZON 20202 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN AND Z-13-00071: RM12 TO CR: MENARDS

Our previous letter on this issue sent to you in April urged the Planning Commission (PC) to deny changing the Revised Southern Development Plan and to deny the Menards' request for rezoning. We reiterate our position here.

Our reasons, summarized, are as follows:

- a. This rezoning would be contrary to the Comprehensive Plan (CP). It would not be in the proper area. In addition, the amount requested would exceed the amount allotted to the area as a Regional Commercial designation.
- b. Rezoning to commercial here would create a detrimental effect on the adjacent land in two directions: to the east because of the natural configuration of the land and the lack of barriers to prevent continuation of commercial zoning to Louisiana Street; and to the north because of the lack of any buffer to the existing residential uses. It also could have a detrimental effect on the land on the south side of 31st Street.
- c. The CR District (Regional Commercial) is too inclusive and is inappropriate for this location. The district will have to be conditioned, but CR is a conventional district and was not intended to be conditioned.
- d. Only a portion will be used for the Menards store. The remainder will be speculative zoning. It would be better to limit the area only to that needed by the Menards store. This would allow buffering on the north. On the east a substantial buffer would prevent continuation of the commercial zoning and also make the area to the east more attractive for residential use.
- e. Please remember that the Menards store could have sought land within other available vacant commercially zoned properties, but they preferred their current choice because of the presence of supporting commercial uses. Because of this, we question whether the additional speculative commercial land is really needed by them for supporting uses.
- f. Also, the fact that only a portion of the subject property has been configured to include the Menards store and needed parking creates a major uncertainty on how this property would actually develop. Because this is a CR District request, the potential for high intensity uses located here exists, and because it is surrounded by residential uses on two sides and potentially a third, makes the potential negative impact even more serious. This is in spite of the proposal to condition the zoning. **This leads to the question of why, if the CR zoning is to be allowed, not place it within a PC Overlay District?**

- Co-President*
David Burress
- Co-President*
Cille King
- President-Elect*
Cille King
- Vice President*
marci francisco
- Secretary*
Caleb Morse
- Treasurer*
Marjorie Cole
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Margaret Arnold
- Caroljean Brune
- Scott Criqui
- James Dunn
- Ruth Gibbs
- Midge Grinstead
- Marlene Merrill

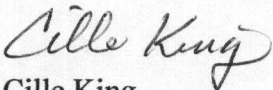
LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY
Page 2

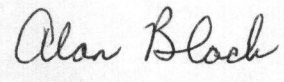
Summary:

1. We oppose changing the Comprehensive Plan (CP) to allow the rezoning for the Menards store and additional speculative zoning, and especially, we oppose rezoning the property to the CR District (Regional Commercial).
2. Therefore, if the CP is to be changed, and a portion of the property is to be rezoned to allow the Menards store, we suggest the following:
 - a. Reduce the area to be rezoned to that which will accommodate only the Menards store and parking.
Create a 200-foot, or wider, natural buffer on the north. On the east create a similar additional natural buffer. This would alleviate the negative impact of the additional commercial zoning for Menards and allow that vacant portion of land (the triangle) to the east of Menards to remain available for residential use.
 - b. To guarantee that the Menards property will be properly conditioned, place any commercial zoning district allotted to Menards within a Planned Development Overlay District, and then provide appropriate conditioning.
 - c. Seek another less inclusive and more commercially appropriate district to rezone the Menards property.
If necessary, change one of the other CC districts so that it would be appropriate for a Menards commercial district rather than choosing the CR District.

Thank you for considering our letter.

Sincerely yours,


Cille King
Co-President


Alan Black, Chairman
Land Use Committee

Kirk McClure, Ph.D.
707 Tennessee Street
Lawrence, KS 66044
mcclurefamily@sbcglobal.net

May 16, 2013

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Bryan Culver (Vice-Chair)
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Bruce Liese (Chair)
bruce@kansascitysailing.com

Re: AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS, Meeting May 20, 2013
ITEM NO. 3 2012 RETAIL MARKET STUDY (AAM)
ITEM NO. 4 HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)
ITEM NO. 5 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

As I indicated to you in my letter of April 18, 2012, the proposal to expand the South Iowa Street commercial corridor east along West 31st Street is an example of predatory development which is not beneficial to our community. The recently released 2012 Retail Market Study lends support to this conclusion.

Comparing the Growth of Demand for and the Supply of Retail Space

The 2012 Retail Market Report by the Planning & Development Services staff provides more than ample evidence that Lawrence has not pursued a healthy pace of growth in the supply of retail space.

The growth of retail spending is a good measure of the growth in demand for retail space. The report makes clear that the inflation adjusted growth in retail sales (Table 3-2) grew by 0.93 percent per year

from 1995 through 2005, the boom years. The sales declined by 0.34 percent per year from 2005 through 2012, the bust years. The net growth was 0.40 percent per year.

The supply of retail space grew by various rates over the years. The report does not provide a consistent series of retail space from 1995 through 2012, but Table 2-3 indicates that the pace of growth of retail space has been about 4.4 percent per year.

With a retail stock of 4 million square feet, the growth in demand would suggest that the stock should have grown by about 20,000 square feet per year. Unfortunately, the growth of supply was on the order of 170,000 square feet per year.

When supply grows at a pace much faster than the underlying demand for that space, investment in older space declines. Older downtowns suffer. Had the community exercised foresight in the pace of retail space, it would be confronting fewer problems with the decline and blight found in its older shopping districts. Rather than negotiating subsidies with developers (as it has many times in the past), the City could be negotiating exactions from the developers in exchange for the capacity to build.

Menard's

Menard's seeks to expand our existing shopping district rather than development within the space already provided. The Retail Market Study makes it clear that more than sufficient space exists in the market for a development of this type.

As I indicated in my prior letter, there is insufficient demand for a second home improvement center in Lawrence, thus there is no argument for making an exception for Menard's. Adding more space will not add to the level of retail spending or retail jobs or the tax base of retail buildings. Specifically, making an exception for Menard's will not fill a need that exists in our community.

Recommendation

The retail development industry is prone to overbuilding, as we have seen in Lawrence. The Planning Commission should learn from the Retail Market Study that the market has surplus space and that the market should not be expanded further at this time.

The community cannot support a second home improvement center. The Planning Commission should recognize the proposal as predatory development in an already bloated market and deny the Menard's proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure

RECEIVED

MAY 20 2013

City County Planning Office
Lawrence, Kansas

Commissioners,

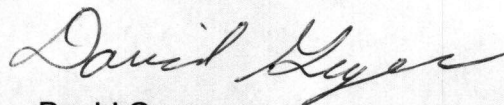
I am writing to oppose the Menards project on 31st street for multiple reasons. The traffic on Louisiana Street is not addressed. A cursory traffic study has been done, but its usefulness is questionable when by page 4 the author does not even get the number of schools correct. Broken Arrow is a grade school, South is the junior high, and the high school is correct. How much difference would eliminating one school make on traffic numbers? Would Louisiana Street cease to be a problem for the people who use and live in the area if one school was told it did not exist? Should our tax bills be adjusted? My experience in the automotive repair business is the the wrong information at the start of a repair can lead to costly mistakes and attempting to fix the symptom does nothing to fix the problem.

Another problem is the excessive number of pad sites and their locations. The immediate neighbors like the idea of a blank screen as opposed to a trash trailer court. I question what will go in at the other sites. Will they be the nice neighbor that Menards claims to be or will they be anybody with the business plan and backing to buy the property. A downside to the student housing market is need for entertainment and stores that close by 10 PM do not supply a lot of late night options (music and alcohol).

Only the immediate neighbors were contacted. Nobody in Indian Hills was told about this project by Menards. No officers on the contact list reports any previous contact from them.

Horizon 2020 has proven to be a resilient document, but how far can it be stretched and modified before it becomes legally indefensible? This site was picked, among other reasons, because it is a third the price of equivalent sized properties that are zoned for commercial. That appears to be the only way the economics works for Menards to come to Lawrence. At that price point there should be no taxpayer infrastructure costs and all improvements should be to the maximum and on the developer and future problems(traffic, flooding, etc.) should be rectified by Menards. The phrase is Life, Liberty, and Pursuit of Happiness, not Pursuit of Maximum Profit.

Thank you for your time,



David Geyer
2647 Arkansas

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

RECEIVED

MAY 20 2013

City County Planning Office
Lawrence, Kansas

May 15, 2013

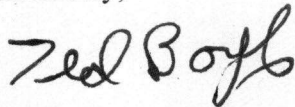
Douglas County Metropolitan Planning Commission

To Whom It Concerns:

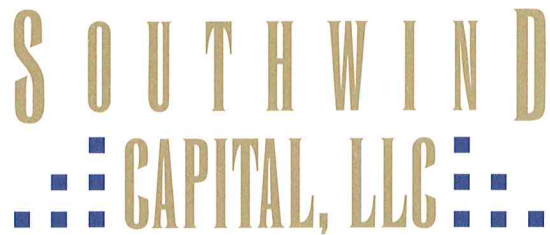
The North Lawrence Improvement Association would like the property on 31st Street East of Home Depot rezoned to allow Menards to build in this location and other businesses to locate there as well. It is seldom the neighborhoods agree on this type of project. Menards will bring employment, tax dollars and street and storm drainage improvements.

This is a good project for Lawrence and the NLIA hopes you will approve the requested zoning changes so Menards doesn't look to another city and provide them with additional jobs and income.

Sincerely,



Ted Boyle, President
North Lawrence Improvement Association
310 Elm Street
Lawrence KS 66044
785-842-7232



May 16, 2013

Douglas County Planning Commission
City Hall, 6 East 6th Street
Lawrence, KS 66044

Re: Menards' application

Dear Chairman Liese and Planning Commissioners:

We have watched with interest, consideration of Menards' application. Our group owns the **Fairfield development**, zoned CC-200, at the **intersection of 23rd St. and O'Connell Rd.**

There appears to be a prevalent thought that a Menards store would be a positive for Lawrence, and that the proposed 31st St. site is the *only* viable alternative for its location. The Staff memo for the 5/20/13 agenda refers in its conclusion to a "limited opportunity to locate such use in the city".

We believe that the Fairfield site represents a very viable alternative. We think that having such a viable alternative should be part of the planning commissioners' consideration relative to the 31st Street site agenda item.

The Fairfield site has many attributes which make it viable, including the following: (1) rooftops near the site with more to come in the immediate proximity to the west and south of the site, (2) traffic counts of nearly 30,000 cars/day in front of the site, (3) major new public investment around the site, including the traffic signal at 23rd & O'Connell Rd. *and* the 31st St. extension to O'Connell Rd., (4) 26.3-acre net tract is easily large enough to accommodate a store of this size, (5) the site is shovel-ready.

While a CC-200 zoning does not allow for a store size consistent with Menards' application, we feel that the site's existing designation as a commercial node and public infrastructure to the intersection, coupled with the neighborhood's strong desire for groceries at the location, would be a reasonable scenario for an approval of Menards' store size at our site.

We thought this to be meaningful information in your consideration of the current application.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Newsome', with a long horizontal flourish extending to the right.

William R. Newsome

Cc: Sandy Day/Scott McCullough
Dave Corliss
Doug Compton



May 17, 2013

William R. Newsome
Southland Capital LLC
601 N Iowa Street
Lawrence, KS 66044

Dear Mr. Newsome:

As I have responded to all the correspondence the city has received regarding our development project, your response is included in the letter below.

I want to start by saying that I agree with you, there are several other sites in the city of Lawrence that are large enough to accommodate the store project. However size alone is not enough and there is only one site that Menards considers a viable location. You and I may not have had direct contact but Menards has reviewed your groups property described in your letter and found it to be too far removed from existing commercial property, specifically big box retail. Menards is working on its current location in an effort to become part of the commercial synergy of South Iowa Street. The proposed location on 31st St will allow Menards to work with the existing business on South Iowa and draw shoppers in rather than work against them and draw shoppers out of the commercial district.

We appreciate your letter and your desire to work with Menards on your property. However based on the reasons mentioned above we plan on continuing our efforts on the 31st St property. If you have any further questions feel free to contact me directly. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over the typed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

From: Travis Alexander [<mailto:talexan@gmail.com>]

Sent: Tuesday, April 23, 2013 2:13 PM

To: Sandra Day; tedwards@menard-inc.com

Cc: amalia.graham@gmail.com; cblaser@sunflower.com; jonjosserand@gmail.com; laraplancomm@sunflower.com; bculver@bankingunusual.com; r hird@pihhlawyers.com; squampva@aol.com; clay.britton@yahoo.com; chadlamer@gmail.com; bruce@kansascitysailing.com

Subject: Menards Rezoning Agenda Item

Please include this on the Agenda item referring to the Menards rezoning proposal.

I would like to put a question out to Tyler Edwards with Menards. Mr. Edwards, I would recommend including a Naismith Valley Trail "hookup" with the site plan. This would be ideal for any future tenant on that site. Connecting the Menards property to the Naismith Valley Trail would be a win win for the community and Menards. This will allow the trail to be used by the adjoining neighborhoods to reach the site under man power (helping Lawrence become more green). The trail would pull in potential customers north all the way up to the University of Kansas Campus. A nice sidewalk/bike path already exists that extends north all the way to 23rd Street, then north of 23rd Street the sidewalk continues along Naismith Drive to the University Campus and even goes by our famous Phog Allen Fieldhouse. Essentially what I am saying is this will provide more customers. This will help in the community by promoting the "neighborhood shopping experience" that you usually only get by living next to downtown. Furthermore, I recommend this directly to Menards, I imagine this could be an avenue to win more public support. Can this be included on your site plan?

Also it would be ideal for the Naismith Valley Trail to connect further south to the new Bike Path located next to the new SLT, which would connect to the future Wetlands Nature Center and all the hiking paths the Wetlands provide. What an added value to our community and would spur more trail use. This would open up many outdoor activities for families and outdoor enthusiasts (walk out the door and hit the trail and enjoy many Lawrence features along the path).

I would support Menards for the location. Count my vote for that. Here are some bullet points to reiterate my view.

- This town has enough low income housing, its saturated. More apartments/duplexes will not help single family property values, especially south of 23rd Street and north of this site.
- The South Iowa retail area could use quality big box stores as anchors to keep the area viable.
- Menards does not want to be located at 6th and SLT, they do not have a far reaching customer base at that site.
- Menards only wants to build at South Iowa, the far reaching customer bases would include Baldwin City, Ottawa, and would be close to the newly built section of the SLT.
- I would advise the city not to chase away another quality big box store. I feel that the Lawrence community regrets that Lowes was "pushed" out of town. I would advise the commission not to strike out with another big box store.
- We need the tax dollars and the jobs, not high end jobs but jobs none the less.
- This would be good for the surrounding neighborhoods. Instead of low income housing we would get a good retailer that will bring stamina to South Lawrence.

Thanks for reading,

Travis Alexander

talexan@gmail.com

Indian Hills Neighborhood Resident

Lawrence Resident 22 years

From: BRUCE [<mailto:sales@signdesignlawrence.com>]

Sent: Tuesday, April 23, 2013 1:43 PM

To: Rick Hird

Subject: Menards

Hello, My name is Bruce Livingston, I would like to talk to you about the Menards store. I am happy you were able to get the vote postponed. I spent the morning doing research about the situation and learned that the reason the planning com. will have to reject the request to locate on 31st is because of the 2020 document. Apparently there is no provision for deviating from this plan. So the way I understand things, We as a City Have only 1 location allowed for a retail home improvement store and this is not acceptable to the store. How do we go about changing things in the near future to allow for exceptions to the plan when a majority of the people would rather have the store anywhere than not having it? 31st has all of the infrastructure in place to handle this store. Would it be possible to speak to you on the Phone?

Regards,

--

SIGN 'N' SIGN

Bruce Livingston

Owner

785.749.2886

Fax 785.840.9634

sales@signdesignlawrence.com

www.signdesignlawrence.com

2300 W. 31st St, STE C

Lawrence, KS 66047

From: Paul Oehlert [<mailto:pauloehlert@gmail.com>]

Sent: Tuesday, April 23, 2013 5:08 PM

To: schummfoods@gmail.com; mdever@sunflower.com; mikeamyx515@hotmail.com; Scott McCullough; David L. Corliss; voteyourselfafarmer@gmail.com; riordan346@gmail.com

Subject: Menards

Dear Sirs,

This has never been something that I do - sit down and write a letter, and, to complain. It is my understanding that the recent decision by the planning department to not recommend the Gas Light Village site for Menards was done so by simply following the guide lines set forth by the 20/20 plan. I do believe that it is very important to have goals and guide lines to insure that there is a direction that we are headed. I believe though that it is very unrealistic that these guide lines can be created and not " tweaked" over a 20 year period.

American Eagle, Lowes, Menards, who's next? That is if you assume that this again will not send another clear message that Lawrence does not want new business's to come to Lawrence, or if you come - lets put you over here.....REALLY ?? Maybe you need to be Thomas Fritzel and offer up something that will have a plaque with your name on it to have the rules " tweaked " .

It is my opinion that ENOUGH is ENOUGH. If John Menard wants to put a store on 31st street where there is ample infrastructure to handle it - Let him.

Paul Oehlert
720 E. 23rd
Lawrence, KS
[785-393-6010](tel:785-393-6010)

From: Steve Standing [<mailto:sestanding@sunflower.com>]
Sent: Tuesday, April 23, 2013 10:34 PM
To: City Hall email
Subject: Menard's proposal for 31st Street.

Dear Sirs:

This letter is intended for the five sitting Lawrence City Commissioners. I would like to urge you to vote in favor of the Menard's development that is being proposed for the following reasons.

The neighbors are not opposed (exceptional for Lawrence).

It is not the business of the Commission to obstruct free competition between rival businesses. On the contrary, this is how our system is supposed to work. Perhaps the performance of the competitors will be improved. This has been the model for car dealerships nearby.

It is not the City's responsibility to dictate where certain businesses should locate. One does not build a billion dollar business by not knowing where to site the business.

The 20 year plan cannot possibly envision opportunities that come up years after it is formed. It should assume reasonable leadership by later Commissions to allow flexibility.

This is an opportunity to demonstrate that Lawrence does not desire to continue it's reputation for being unfriendly to business formation (Re. jobs)

It is not unreasonable for the Planning Commission to vote this down since they are charged with enforcing the 20 year plan. However it is the role of the City Commission to make changes or set precedents that Planning may not feel is their role. In this way, we may find the flexibility to reasonably adjust the decision making function as opportunities come up many years after the plan is set.

On a personal note, I have made dozens of trips to West Topeka because I find the best service and prices at the Menards store there. I would prefer to spend that money here at home.

Thank you for your consideration.

Steven E. Standing
1809 Learnard Ave.
Lawrence, Ks.

785 979 3939

DALE WILLEY

CHEVROLET

BUICK

GMC

Cadillac

April 18, 2013

RECEIVED
APR 18 2013
CITY MANAGERS OFFICE
LAWRENCE, KS

To: Lawrence City Commissioners
✓ Mike Dever, Mayor Mike Amyx, Vice Mayor
Bob Schumm Jeremy Farmer
Dr. Terry Riordon

Subject: **Proposal for Menard, Inc. Business Location**

Gentlemen:

My business partner, Greg Maurer, and I had the pleasure of attending an informational meeting last Monday, April 8th, at Broken Arrow Middle School hosted by Mr. Tyler Edwards, Real Estate Representative for Menard, Inc. The invitees were the individuals and a few businesses that were living and/or located near the proposed property on 31st street, next to Home Depot.

The neighborhood people were most receptive to the Menard's proposed plan as they felt it would *not* be an intrusion to their neighborhood when compared to the previously approved student housing project that failed to materialize. They also expressed their concerns for how Menard's will be handling the water run-off/drainage from their properties with Mr. Edwards explaining Menard's plan for the drainage to their satisfaction. For our dealership and mini-storage properties being adjacent to the west property line of the proposed Menard development, we are satisfied with and pleased for the Menard development.

Selfishly, I believe a commercial occupation of this property will generate more real estate, sales and personal property taxes than a student housing venture, and for that I am excited. Our community desperately needs to broaden its tax base and this company will certainly do that as well as adding employment.

I ask for your favorable vote to approve the Menard addition to the Lawrence business community on 31st street. It is definitely adding value to our community's tax base and employment.

Sincerely,



Dale Willey

Kirk McClure, Ph.D.
707 Tennessee Street
Lawrence, KS 66044
mcclurefamily@sbcglobal.net

April 18, 2013

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Bruce Liese (Chair)
bruce@kansascitysailing.com

Re: AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS, Meeting APRIL 22, 2013
ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL)
CPA-13-00067: Consider Comprehensive Plan Amendment to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street.
ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)
Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W 31st Street.

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

The proposal to expand the S. Iowa Street commercial corridor east along W. 31st Street is an example of predatory development which is not beneficial to our community.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually rather small in terms of the number of homeowners normally needed to support a home improvement center. If a second store is added, there will be too few people, and especially too few homeowners, to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million, to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

Ratio of Home Improvement Stores to Population and Homeowner Households Kansas City and Lawrence

	<i>Kansas City Metropolitan Area</i>	<i>Lawrence Douglas County</i>	<i>Lawrence with Added Center</i>
Total Centers	19	1	2
Population	1,980,619	113,569	
Owner households	538,827	24,800	
Population:centers ratio	104,243	113,569	56,785
Owners:centers ratio	28,359	24,800	12,400

Market Analysis

The market analysis submitted in support of these proposals is flawed in many ways.

Rate of Absorption

The retail study begins with the assertion that Lawrence can absorb 129,000 to 236,000 square feet per year by the year 2020. This assertion would assume that Lawrence has a balanced market now. Even the retail market study submitted admits that the stock of retail space has grown by 72 percent since

2000 while retail sales have risen by only 37 percent. Clearly, the City has permitted developers to build space at a pace much faster than the spending can support. The result is an over-built condition leading to underutilization of space and a lack of interest in the maintenance of properties.

Pull Factor

The retail study goes on to assert that the City's retail pull factor is low. The pull factor measures the amount of spending per capita in the retail market compared to a statewide average. If the pull factor is above 1.0, it indicates that the market pulls in more spending than is available from the local population. Lawrence's pull factor has been above 1.0 for 10 of the last 12 years. It has been rising for the last three years. This is an admirable record for a small city located between two larger cities.

The study suggests that a Mendards will improve the pull factor. It is not credible that the consumers will drive to Lawrence to shop at our home improvement center any more than they do now. The consumers in the Topeka and the Kansas City metropolitan areas have several home improvement centers in close proximity to them. They will not drive Lawrence for this purpose.

Population and Income Growth

The retail study does on to suggest that the future growth of Lawrence's population and income will support expansion of the stock of retail space. The ultimate limit on the amount of space that the city can absorb is the spending in the retail market. Income growth in Lawrence continues to lag behind the Kansas City metropolitan area, holding back the growth in the retail spending. It is unwise to let the retail market grow faster than the growth in retail spending.

Recommendation

To avoid predatory development that will waste the taxpayers' investment, I recommend against the proposed plan amendment and rezoning at 1900 West 31st Street.

To regain strength in the retail market of Lawrence, the Planning Commission needs to exercise extreme caution with any expansion of the stock of retail space until the retail spending levels grow sufficiently to return to the balance found in the past.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure



April 19, 2013

Kirk McClure
707 Tennessee St
Lawrence, KS 66044

Dear Mr. McClure,

Your letter regarding the proposed Menards project was forwarded to me by city staff. I have taken the time to respond to every resident that submits comments to the Planning Commission, city staff, or myself regarding this development. Responses to your concerns are below.

The term "predatory development" implies that Menards is in some way taking advantage of and individual or group of people with no regard for their wellbeing. That is certainly not the case with our Lawrence project. Menards has taken great steps to ensure that not only will our project not harm the city but improve the city as a whole. On April 8th I met with homeowners surrounding the project site and the response to our plans was very positive. We have included the residents in the planning process from the very beginning and plan to continue that practice.

I understand your main point to be the competition between Menards and Home Depot and their viability in the future. Your concerns are shared among several residents of Lawrence and often in other communities which we are new to. However no one understands the viability of a business better than the business itself. Menards is in no way trying to put Home Depot out of business here or in any other location. Competition is healthy and what makes the American economy strong. If Menards felt there was a chance their either Menards or Home Depot could not support a store we would not have a desire to build in the first place. For your information I have attached a list of a few of our western Menards stores in communities of similar size with either a Home Depot or Lowes located nearby.

I do not know the history of the taxpayer money that was used in the Home Depot project. However I can say that Menards is asking for nothing from the city of Lawrence financially. All Menards is asking for is the ability to compete on a fair playing field with every other business. Menards has performed studies regarding traffic, flooding, and utilities to ensure that our project will not harm any other property in the process.

Menards has a pull factor that is not ordinarily anticipated by a market study such as this. This is very evident by the number of Lawrence residents that travel to our Topeka store to shop in large numbers. Not only is that Menards store drawing consumers from outside of the Topeka region where there are other home improvement stores nearby. It is taking them from the City of Lawrence and it has a home improvement store. It is a reasonable



assumption that consumers will drive from all across Douglas County to shop at the Menards store just like they do in Shawnee County to the west.

Retail studies are only one element in the review of impacts a retailer would have on a community and they often fail to consider items that make retailers unique. Many communities have done away with these studies and relied more on experience and review of each project individually. Again there will be no investment by the residents of Lawrence to build the store. It is also unlikely that Menards or Home Depot would be put out of business by this project. Menards would be a great fit within the community and draw more consumers into the city that would otherwise be driving elsewhere to shop. If you have more questions please do not hesitate to contact me.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards". The signature is fluid and cursive, written over a white background.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

	Menards	Next Door	1/2 Mile	1 Mile	Under 3 Miles
1	Topeka	Lowes		Home Depot	
2	Manhattan				Home Depot
3	Salina			Lowes	
4	Wichita West			Lowes	
5	Wichita East				Home Depot
6	Garden City	Home Depot			
7	Sedalia		Lowes		
8	Lake Ozark				Lowes Home Depot
9	Jeff City				Lowes
10	Colombia		Home Depot		Lowes
11	St Peters				Home Depot
12	Manchester		Home Depot		Lowes
13	O'Fallon				Home Depot Lowes
14	Lincoln South				Home Depot Lowes
15	Lincoln North	Home Depot			
16	Grand Island			Home Depot	
17	Council Bluffs	Home Depot			
18	Sioux City				Lowes
19	Sioux Falls West	Home Depot	Lowes		
20	Clive			Lowes	
21	Altoona	Lowes			
22	De Moines		Home Depot		
23	Ankeny	Home Depot			
24	Waterloo	Home Depot	Lowes		
25	Marion			Home Depot	
26	Davenport				Lowes
27	West Burlington			Lowes	
28	Rochester			Home Depot	
29	Rochester South				Lowes
30	Mankato	Home Depot			Lowes
31	Coon Rapids	Lowes			
32	Blaine				Lowes
33	West St Paul		Lowes		
34	Stillwater		Lowes		
35	Maple Grove		Home Depot		
36	Brooklyn Park				Home Depot
37	Fridley				Home Depot
38	Richfield		Home Depot		
39	Eden Prairie	Home Depot			
40	Hudson	Home Depot			
41	Rapid City				Lowes
42	Fargo	Lowes			
43	Hermantown				Home Depot

44	Cape G		Lowes		
45	Marion IL				Home Depot
46	Evansville				Lowes
47	Bloomington			Lowes	
48	Champaign	Lowes		Home Depot	
49	Danville			Lowes	
50	Normal	Home Depot			
51	Springfield South		Lowes		
52	Springfield North	Lowes			
53	Forsyth		Lowes		
54	Peoria				Home Depot
55	Galesburg			Lowes	
56	Peru	Home Depot			
57	Dubuque			Lowes	
58	Janesville			Home Depot	
59	Racine			Home Depot	
60	Fox lake	Home Depot			
61	Gurnee	Home Depot			Lowes
62	Kenosha		Lowes		
63	Cherry Valley				Lowes
64	Machesney Park	Home Depot		Lowes	
65	Wausau	Home Depot			
66	Plover				Lowes
67	Oshkosh	Lowes			
68	Appleton East		Lowes		
69	Manitowoc		Lowes		
70	Appleton West			Home Depot	
71	West Bend	Home Depot			

From: [Sheila Stogsdill](#)
To: ["Clark Coan"](#)
Cc: [Sandra Day](#)
Subject: RE: Menards Site Plan
Date: Monday, April 08, 2013 12:11:58 PM

Clark –

Not a problem. Sandra Day is the lead planner on this project in case you have other comments or questions.

Sheila M. Stogsdill, *Assistant Director* - sstogsdill@lawrenceks.org
Planning & Development Services Department | www.lawrenceks.org/pds
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3157 | fax (785) 832-3160

*"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey:
<http://lawrenceks.org/pds/survey/satisfaction>."*

From: Clark Coan [mailto:clarkcoan@yahoo.com]
Sent: Monday, April 08, 2013 11:51 AM
To: Sheila Stogsdill
Subject: Menards Site Plan

Ms. Stogsdill:

Could you please forward this to the planner who is doing the site plan for the Menards store on 31st Street? Thank you.

Hello!

As you recall, the previous developers of the site on 31st St. agreed to extend the Naismith Path to 31st. Street. I hope you will recommend that the developers of Menards also extend the path to 31st St. which will be near the new SLT Hike and Bike Path. As you know, connectivity increases trails use and multiplies the values of trails.

Thank you for paying attention to my comments.

Clark Coan, MUP

Public Information Specialist
Sunflower Rail-Trails Conservancy

From: Burress, David A. [mailto:d-burress@ku.edu]

Sent: Tuesday, April 16, 2013 10:37 AM

To: Denny Ewert

Subject: RE: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER and ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST

April 16, 2013

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

Dear chairman Liese and Planning Commissioners:

Re: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL)
ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

The League asks that you not change the Southern Development Plan to expand the existing designated area for a Regional Commercial Center and that you deny the request for a 41.5 acre tract to permit the development of a Menards store. We ask this for the following reasons:

We question whether the current 23rd and South Iowa designated Regional Commercial area has the capacity for any additional commercial zoning beyond that already designated and zoned for commercial use. The amount of commercial zoning existing now in this Horizon 2020 designated CR has been listed as 1.3 million square feet and the date on this is April, 2012.

The Revised Southern Development Plan does not recommend that this area be expanded for commercial use and designates it for medium residential use. The commercial zoning to the west of this was intentionally given a buffer of residential zoning so that the commercial area would not expand to the east to create a continuous commercial strip to Louisiana.

If this 41-acre parcel, or even a portion of it is rezoned CR, it will be the only so-zoned property in Lawrence. The CR District is a conventional district and strictly speaking was not intended to be conditioned to limit the uses. The fact that only a portion of the property has been configured to include the Menards store (and parking) creates a major uncertainty on how this property would actually develop. Because this is a CR District request, the potential for high intensity uses located here exists and because it is surrounded by residential uses on three sides makes the potential negative impact even more serious.

For these and many other reasons, we urge that the Planning Commission not change the Southern Development Plan to accommodate the CR District and not grant the current **Z-13-00071** request for CR Zoning.

Thank you for considering our letter.

Sincerely,

David Burress

/s/

President-Elect

League of Women Voters of Lawrence/Douglas County

Cille King

/s/

Land Use Committee

From: [Tyler Edwards](#)
To: Gaziyeh@aol.com
Cc: [Sandra Day](#); [Scott McCullough](#)
Subject: RE: Item Z-13-00071 Rezoning request 1900 W 31st
Date: Wednesday, April 10, 2013 8:54:16 AM

Ms. Zingo,

I have responded to your questions below and I have included the city staff on the email to they can forward the responses to the appropriate parties. If you have more questions please feel free to send them over or give me a call. I prefer email so the city planners and planning commission has a record that you received a response and that response can be forwarded to the planning commission.

1: I don't believe Lawrence is big enough to support this venture. If a Menard's store is built next to Home Depot it is likely that in 3-5 years one of them will go out of business. If that happens, how long will the building sit empty? If the Home Depot is abandoned, will the Best Buy fail? What will happen to the small struggling and yet empty storefronts in the shopping area surrounding the Home Depot and Best Buy if shopping traffic to the area is reduced?

Menards does not select sites hoping to put someone out of business, if we thought either the Menards or Home Depot would fail we would not spend the 10+ million dollar investment on a new store location. Just as car dealerships and restaurants draw more business by locating near each other we feel the same way about home improvement. Sure Home Depot might lose some customers here and there but Menards does a great business by drawing consumers from 50+ miles away. This is evident by the number of people that travel from Lawrence to the Topeka store. Traffic to this portion of 31st street will not be reduced by Menards at all but increased as the shoppers could now shop Menards, Best Buy, and stop at a restaurant in one trip. Lawrence is definitely large enough to support such a venture. There are cities across the Midwest that are home to a Menards and Home Depot or Lowes or both within a half mile of each other and they all function just fine.

2. In the 1980's there were commission and planning meetings with hand wringing about the "cornfield mall" that would draw business away from downtown. Is this patchwork of pseudo-malls and second string chain and fast food restaurants the alternative Lawrence needed for managed growth? Certainly no threat to downtown, but definitely a downgrade to the value of adjacent residential properties.

I would argue just the opposite. Property adjacent to a rundown trailer park would have a much lower property value as opposed to having a new commercial building and green space next door. Additionally the peace of mind knowing that the store is only open from 7-10 and all the activities will have quite a bit of screening to prevent any sounds or light from reaching the residential properties. Many of the residents that attended Monday nights neighborhood meeting preferred the commercial use to a student housing complex or trailer park because they knew there would be no noise or damage or police after the store closed. It is very difficult to relate the planning of Lawrence today to plans from the 1980's because so much has changed in the retail world and economically. Consider how many changes have been made to the comprehensive plan and zoning code since then and how many will need to be made in the future to adapt to the ever changing world of community and regional planning.

3. Consider: within a few years of the closing of the Indian Springs Mall in KCK, neighborhood home

values plummeted, many home owners moved and rented their properties, and State Avenue became an urban blight of deserted strip malls. There is much unused and underused commercial real estate in the South Iowa St corridor. The commissions seem to be planning toward the northwest side of the city with no care for other neighborhoods or the opposite end of town based on ...what???. Is there any direction for the southern part of town or is it just willy-nilly and all about dollars in the tax base? This question seems more suited for the Planning Commission or city planning staff. I can tell you as the applicant for the rezoning and comp plan amendment there is an extensive amount of published planning and guidance in place regarding the southern part of town and it is no way "willy-nilly". We understand that the city has invested a lot into the NW side of the city because it is the flashy new area in town. However it is not up to the city to decide where businesses should locate or restrict them based on location that's why we have the public process and businesses have the option to make a case to change the zoning regulations or request variances. Not many planning or code documents are designed to be static documents, they recognize that conditions can change even the day after they are published. That's why planning documents are used as a tool to guide development.

4. My neighbors across the street whose property abuts the proposed site think there is some agreement that will provide improvement for the "creek" (ditch), including privacy and noise barriers. Is there a plan of record to support their assumption? They are not opposing this because of that supposed provision.

Your neighbors are correct. From the very first meeting I had with the city engineers they made it clear that that drainage ditch needed to be addressed and upgraded as part of the property development. We are currently working through those plans with our engineers. Many of the neighbors in attendance at Monday night's neighborhood meeting not only supported the project for that reason but even went as far as saying they feel this is the best place for the store in town. It is hard to argue this will hurt the neighborhood if the people closest to the store strongly support it. I would suggest talking with your neighbors in the next two weeks, maybe it will help ease some concerns.

5. The stub street of Ousdahl (south from 27th) feeds our neighborhood. Will it remain a dead end or will it be opened through to the new development? If so, is there a plan to widen the road or to keep cars from parking on it? It is often impassable due to duplex tenants parking along the west side of the street, across from the intersections, etc. In addition, when traveling north on Ousdahl, there is a driveway directly across from the intersection. Scares me to think a vehicle will miss the stop sign and crash into that garage...

We have no intention of connecting the proposed commercial development to the neighborhood to the north. Menards designs its parking lots to accommodate its guests at the busiest of times and they should be no need to park anywhere but on the street.

Tyler Edwards

Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
715-876-2143 - Direct
715-579-6699 - Cell
715-876-5998 - Fax

tedwards@menard-inc.com
www.menardsrealestate.com

From: Gaziye@[aol.com](mailto:Gaziye@aol.com) [mailto:Gaziye@aol.com]
Sent: Monday, April 08, 2013 11:19 AM
To: Tyler Edwards
Subject: Fwd: Item Z-13-00071 Rezoning request 1900 W 31st

email as discussed

From: Gaziye@aol.com
To: amalia.graham@gmail.com, cblaser@sunflower.com, jonjosserand@gmail.com,
laraplancomm@sunflower.com, bculver@bankingunusual.com, r hird@pihlawyers.com,
squampva@aol.com, clay.britton@yahoo.com, chadlamer@gmail.com,
bruce@kansascitysailing.com
CC: gaziye@aol.com
Sent: 4/7/2013 2:48:17 P.M. Central Daylight Time
Subj: Item Z-13-00071 Rezoning request 1900 W 31st

Ladies and Gentlemen

I work on Monday nights and might not get to the April 22 meeting before this agenda item is opened for discussion. I have been the homeowner at 1618 W 28th Terrace for 25 years.

Considering that Menard, Inc. already owns the property in question, it would seem that this is a "done deal". Nonetheless, here's my "say".

1: I don't believe Lawrence is big enough to support this venture. If a Menard's store is built next to Home Depot it is likely that in 3-5 years one of them will go out of business. If that happens, how long will the building sit empty? If the Home Depot is abandoned, will the Best Buy fail? What will happen to the small struggling and yet empty storefronts in the shopping area surrounding the Home Depot and Best Buy if shopping traffic to the area is reduced?

2. In the 1980's there were commission and planning meetings with hand wringing about the "cornfield mall" that would draw business away from downtown. Is this patchwork of pseudo-malls and second string chain and fast food restaurants the alternative Lawrence needed for managed growth? Certainly no threat to downtown, but definitely a downgrade to the value of adjacent residential properties.

3. Consider: within a few years of the closing of the Indian Springs Mall in KCK, neighborhood home values plummeted, many home owners moved and rented their properties, and State Avenue became an urban blight of deserted strip malls. There is much unused and underused commercial real estate in the South Iowa St corridor. The commissions seem to be planning toward the northwest side of the city with no care for other neighborhoods or the opposite end of town based on ...what???. Is there any direction for the southern part of town or is it just willy-nilly and all about dollars in the tax base?

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parking along the west side of the street, across from the intersections, etc. In addition, when traveling north on Ousdahl, there is a driveway directly across from the intersection. Scares me to think a vehicle will miss the stop sign and crash into that garage..

I would love to talk to anyone about this project to determine what it will do to the value of my home and the quality of my neighborhood. I can be reached at this email address, or at 785.842.3010.

I do hope to see you at the April 22 meeting to discuss further..

Jo Anne Zingo

****CONFIDENTIALITY NOTICE** This communication constitutes an electronic communication within the meaning of the Electronic Privacy Act, 18 U.S.C. Section 2510, et. seq. Disclosure of this communication is strictly limited to the intended recipient. This communication and its contents and attachments, if any, are confidential and may contain information that is privileged or otherwise exempt from disclosure under applicable law. Receipt by any person or entity other than the intended recipient does not constitute waiver or loss of the confidential or privileged nature of this communication. Any review, dissemination, copying, resubmission, transfer, or distribution in any form by any person or entity other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete any and all copies of this communication and any attachments. Failure to abide by these provisions will result in legal and equitable action taken against you, as identified in 18 U.S.C. Sections 2520-21.**

From: Gaziyeh@aol.com
To: [Sandra Day](#)
Subject: Fwd: Item Z-13-00071 Rezoning request 1900 W 31st
Date: Monday, April 08, 2013 11:09:04 AM

Hi Sandy

Interestingly, you were in my AOL address database. Here is the email I sent. Feel free to call or return message for follow up.

Thanks

Jo Anne

785.842.3010

From: Gaziyeh@aol.com
To: amalia.graham@gmail.com, cblaser@sunflower.com, jonjossrand@gmail.com, laraplancomm@sunflower.com, bculver@bankingunusual.com, rhird@pihlawyers.com, squampva@aol.com, clay.britton@yahoo.com, chadlamer@gmail.com, bruce@kansascitysailing.com
CC: gaziyeh@aol.com
Sent: 4/7/2013 2:48:18 P.M. Central Daylight Time
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