

Lawrence-Douglas County Metropolitan Planning Commission

ATTN: Bruce Liese, Chair

City Hall, 6 East 6<sup>th</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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.

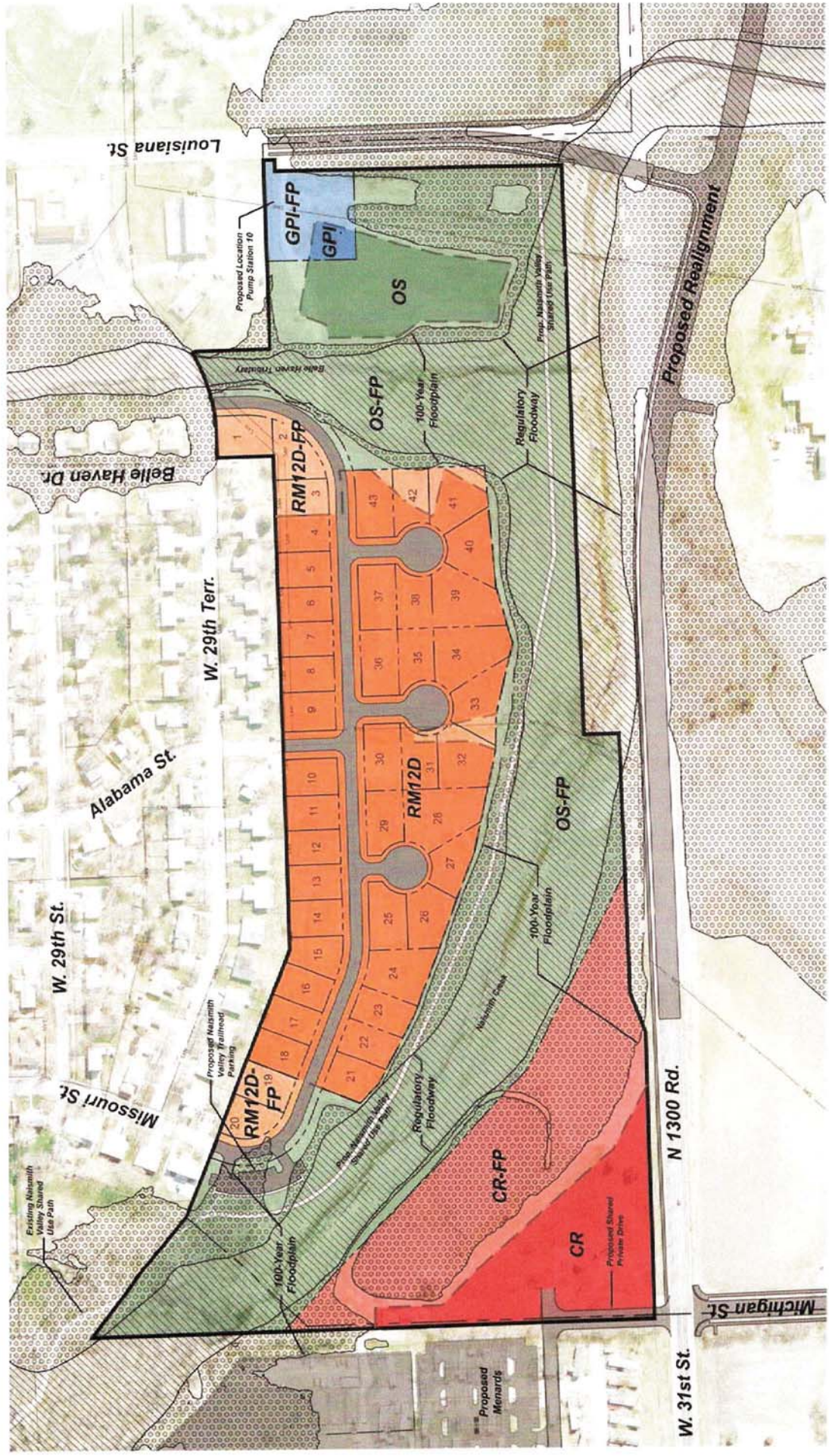
- We believe this is a perfect opportunity to control access onto the remainder of 31<sup>st</sup> Street east to Louisiana Street. As such, we request that the zoning change requested by Menard's be conditioned upon access points as determined by the City on the final plat. This requirement will allow the City to make sure that curb cuts onto 31<sup>st</sup> 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 31<sup>st</sup> and will only serve to hamper travel on 31<sup>st</sup> 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".

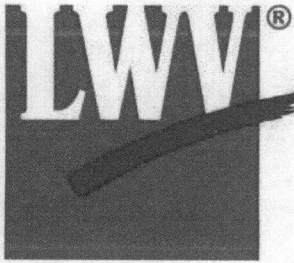
Bruce Snodgrass and family



**LAND USE SUMMARY:** TOTAL SUBMITTED SITE AREA: 47.92 AC.

LAND USE	TOTAL AREA (AC)	TOTAL AREA (SQ FT)
REGULATORY FLOODWAY	1.00	136,000
100-YEAR FLOODPLAIN	1.00	136,000
CR	1.00	136,000
CR-FP	1.00	136,000
OS	1.00	136,000
OS-FP	1.00	136,000
RM12D	1.00	136,000
RM12D-FP	1.00	136,000
GPI	1.00	136,000
GPI-FP	1.00	136,000
PROPOSED MENARDS	1.00	136,000
PROPOSED SHARED PRIVATE DRIVE	1.00	136,000
<b>TOTAL</b>	<b>13.00</b>	<b>17,680,000</b>

**SNODGRASS PROPERTY  
CONCEPT PLAN**  
MAY 7, 2013



LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

May 19, 2013

RECEIVED  
MAY 20 2013  
City County Planning Office  
Lawrence, Kansas

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 31<sup>st</sup> 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
- Directors*  
Margaret Arnold
- Caroljean Brune
- Scott Criqui
- James Dunn
- Ruth Gibbs
- Midge Grinstead
- Marlene Merrill

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

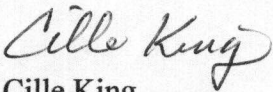
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Summary:

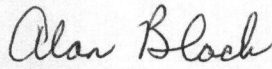
1. We oppose changing the Comprehensive Plan (CP) to allow the rezoning for the Menards store and additional speculative zoning, and especially, we oppose rezoning the property to the CR District (Regional Commercial).
2. Therefore, if the CP is to be changed, and a portion of the property is to be rezoned 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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**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 31<sup>ST</sup> 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 31<sup>st</sup> 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

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

April 18, 2013

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**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. 31<sup>st</sup> Street to include 1900 W 31<sup>st</sup> Street.  
**ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31<sup>ST</sup> 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 31<sup>st</sup> Street.

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

The proposal to expand the S. Iowa Street commercial corridor east along W. 31<sup>st</sup> 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 31<sup>st</sup> 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.

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#### **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

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#### *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 31<sup>st</sup> 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 8<sup>th</sup> 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, with a large initial "T" and "E".

**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
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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:** 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 31<sup>ST</sup> 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 23<sup>rd</sup> 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