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September 25, 2006

Jane M. Eldredge
E-Mail: jeldredge@barberemerson.com

Ms. Holly Krebs, Chair
Lawrence - Douglas County Metropolitan
Planning Commission
Sixth and Massachusetts Streets
Lawrence, Kansas 66044

Via Facsimile

Re: Planning Commission Agenda Item 14: Preliminary Development Plan for Mercato

Dear Ms. Krebs:

We represent the applicant for the Mercato Preliminary Development Plan. On behalf of the applicant we request the Planning Commission approve the Mercato Preliminary Development Plan subject to the following modifications of the staff recommendations:

1. Staff recommendation 1. Please revise it to: **"Execution of an Agreement not to protest the formation of a benefit district for street improvements to Overland Drive between George Williams Way and the frontage road; George Williams Way from West Sixth Street to Overland Drive; Mercato Drive; and Mercato Way."** This portion of Mercato is already part of a sewer benefit district and the other municipal utility (water) is in place.
2. Staff recommendation 3.b. Please delete the second sentence, because the City of Lawrence cannot determine the conditions that will be imposed on KDOT permits.
3. Staff recommendation 3.f. Note 16 should **not** be revised because it conforms to the condition approved for the Mercato preliminary plat. The Planning Commission specifically discussed this condition in its consideration of the preliminary plat and changed the staff recommendation of "no building permits" to "no occupancy permits".

Ms. Holly Krebs
September 25, 2006
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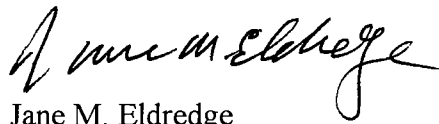
4. Staff recommendation 3.h. Please remove this condition because city zoning ordinance 20-1013(a)(10) requires the grading to be shown on the final development plan, not the preliminary development plan.

The applicant and I wish to extend our thanks and appreciation to the staff, particularly to Mary Miller and Sheila Stogsdill for the time, effort and cooperation they have shown in working with the applicant on this important project.

We request that the above modifications to the staff recommendations be adopted by the Planning Commission and the Mercato Preliminary Development Plan be recommended to the City Commission for approval.

Sincerely,

BARBER EMERSON, L.C.

A handwritten signature in black ink, appearing to read "Jane M. Eldredge", written in a cursive style.

Jane M. Eldredge

JME:kaw

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

September 24, 2006

Holly Krebs, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 14: PRELIMINARY DEVELOPMENT PLAN FOR MERCATO; N OF HWY 40 & E OF HWY K-10

Dear Chairman Krebs and Planning Commissioners:

The Staff Report on this indicates that this PDP is in conformance with the Comprehensive Plan and recommends approval. It adds 184,640 gross square feet of retail commercial space.

There are problems that we see with this plan that do not seem to be resolved.

(1) One of the building footprints (Lot 1 Block 1) is 175,000 gross square feet. The legend table on the plat does not indicate whether this is one store or is a mall because the description is for "buildings" with a 175,000 gsf. footprint. If one store, it is the size of a regional store. If it is a mall, it isn't indicated but could be, based on the lack of description. A "building" has separate walls and no interconnecting doors, but there can be many buildings (a mall configuration) within one "structure."

(2) This project requires a market impact study, but doesn't seem to have one included in the report (see below).

Horizon 2020, Chapter 6, Commercial Land Use, GOAL 3: Criteria for Commercial Development, Policy 3.11, "B. The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate of greater than eight percent."

(3) This PDP seems premature because of the amount of infrastructure and improvements needed before it can be built, so it is bound to overshoot the time limits on PDPs in spite of its being phased.

(4) Traffic impacts were a major issue of contention in the 6th and Wakarusa development. This project has not submitted a traffic impact report, but one should be required. (See below).

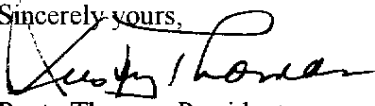
GOAL 4: Transportation Considerations, Policy 4.2: Evaluate Traffic Impacts

"An evaluation of the traffic impacts of a development on the surrounding area shall consider the existing and projected traffic conditions in relation to the existing transportation system. This evaluation should be based on planned improvements identified in the Capital Improvement Plan (CIP), the Comprehensive Plan, and/or the Long-Range Transportation Plan. These plans shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities."

We hope before you give this project your approval, the actual uses and other important undecided elements of the plan will be resolved. It would be unfortunate to allow the tract to be graded and the vegetation replanted too early in the development process.

Thank you for your consideration.

Sincerely yours,


Rusty Thomas, President



Alan Black, Chairman
Land Use Committee

