



Lowe's Midwest Real Estate Office
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May 24, 2010

**UNITED STATES MAIL
BY ELECTRONIC MAIL**

Scott McCullough, Director
Planning and Development Services
City Hall
6 E. 6th Street
Lawrence, KS 66044

Re: Requested Text Amendment to Horizon 2020

Dear Scott:

Thank you for the opportunity at our meeting on May 12, 2010 to further discuss the possible location of a Lowe's Store within the City of Lawrence. We greatly appreciate the time and attention that has been provided by you and City Manager Corliss to assist us in evaluating our proposed location.

After careful consideration of all available information, we are ready to commence the City review process for our proposed site – approximately 11 acres located between Folks Road and Champion Lane within the Bauer Farm Development. We understand that the subject tract is currently zoned residential and our proposed use would require not only a rezoning to a commercial designation, but also an amendment to the City's Horizon 2020 Comprehensive Plan. Despite this added challenge we have determined, based on our demographic studies, that this site is our only viable option in this market at this time.

Based on our review of Horizon 2020 and the City's Land Development Code, there appear to be several approaches to amending Horizon 2020 that would accommodate our proposed development. These include the following:

- (i) Include our proposed site in the 6th and Wakarusa Drive Node and amend Horizon 2020 to create a new category of Community Commercial Center – CC600 (which would allow for up to 600,000 square feet of retail at this Node);
- (ii) Relocate a Community Commercial Center (CC400) from another area in the City and create a Node at 6th and Folks Road;

- (iii) Create an additional Community Commercial Center (CC400) at the intersection of 6th and Folks Road; or
- (iv) Include our proposed site in the 6th and Wakarusa Drive Node and amend Horizon 2020 to designate this Node as a Regional Commercial Center.

Each of these proposed amendments to Horizon 2020, if approved, may necessitate one or more text amendments to the City's Land Development Code, which we would request be considered simultaneously to considering the Horizon 2020 amendments.

Given that there are several ways to approach the amendment of Horizon 2020 to effectuate our development, I would ask that you and your professional staff give some thought as to which of these options would be the most palatable to the City. I might suggest going with the first option and including the subject property in the 6th and Wakarusa Drive Node and designating the Node as a Community Commercial Center (CC600). This option would ensure that there is no additional commercial use in this Node other than our project. However, we would defer to your judgment on this issue.

In addition to the entitlements discussed above, and as a condition of moving forward with the development, we will be requesting financial assistance through the approval of a \$.005 Community Improvement District Sales Tax within the development. We understand that consideration of Community Improvement District ("CID") and any necessary zoning changes would need to follow the City's adopted policies and procedures, and that such approvals would not be considered by the City Commission until after Horizon 2020 has been amended to accommodate our proposed development. Notwithstanding the previous sentence, given how critical CID financing is to our development, we would like the opportunity to address it now on the front end through a work session with the City Commission.

Based on the foregoing, we would propose the following timeline:

- June 15, 2010 - CID work session with City Commission
- July 26 or July 28, 2010 - Planning Commission consideration of amendment to Horizon 2020 (and corresponding text amendment to the Land Development Code if necessary)
- August 17, 2010 - City Commission hearing on amendment to Horizon 2020 (and corresponding text amendment to the Land Development Code if necessary)
- August 23, 2010 - Rezoning Application submittal
- October 25 or October 27, 2010 - Planning Commission hearing on rezoning
- November 09 or November 16, 2010 - City Commission hearing on rezoning
- November 09 or November 16, 2010 - City Commission adoption of a Resolution calling a public hearing regarding the creation of a CID
- December 7, 2010 - City Commission public hearing on creation of a CID

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We are anxious to begin the entitlement process and move forward with this project. If you have any questions, don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Fiebig", followed by a horizontal line.

Robert Fiebig III, EI, CPESC
Senior Site Development Manager – Lowe's

Cc: Dave Corliss – City of Lawrence
John Peterson – Polsinelli Shugart
Scott McGee – Ozark Civil Engineering
Bill Flemming – Treanor Architects