



PETITION FOR COMPREHENSIVE PLAN AMENDMENT

To *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County

Pre-Application Meeting

A Pre-Application meeting is required for all matters that require a public hearing.

Information regarding the process and criteria for a comprehensive plan amendment is provided in Chapter 17 of *Horizon 2020*.

This information is included with this application packet.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the petition.

Pre-submittal May 12, 2010.

Target Submission Date May 24, 2010.

Submittal Requirements

❖ Application Form

- ☐ A complete Application Form. (Application, 3 pages)

❖ Other

- ☐ Additional documentation provided by the applicant demonstrating need for amendment proposed.
- ☐ Please note, there is no review fee for a Comprehensive Plan Amendment.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Metropolitan Planning Office

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044

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www.lawrenceks.org/pds

PETITION FOR COMPREHENSIVE PLAN AMENDMENT

APPLICATION FORM

APPLICANT/AGENT INFORMATION

Contact John D. Petersen and/or Matthew E. Austin

Company Polsinelli Shughart PC

Address 6201 College Boulevard, Suite 500

City Overland Park State KS ZIP 66211

Phone (913) 451-8788 Fax (913) 451-6205

E-mail jpetersen@polsinelli.com Mobile/Pager ()

maustin@polsinelli.com
Pre-Application Meeting Date May 12 Planner Scott McCullough

Are you submitting any other applications? If so, please state which one(s).

No

Please identify the Chapter of the Comprehensive Plan is proposed to be amended.

See below

Please provide proposed amendment. (Attach additional sheets if needed)

As described in more detail in the attached letter from Robert Fiebig, we are seeking an amendment to the City's Horizon 2020 Comprehensive Plan that would allow us to move forward with the development of a Lowe's Store within the Bauer Farm Development. 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. We would ask that the City's professional staff give some thought as to which of these options would be the most palatable to the City.



Please respond to the following questions to the best of your knowledge. Review bodies shall consider the following factors for all Comprehensive Plan Amendments (policy and map amendments). (Attach additional sheets if needed.)

- 1. Does the proposed text amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted? (Please explain)**

Yes, retail market conditions in Lawrence and Douglas County have changed since the Comprehensive Plan was adopted in 1998. The City's retail pull factor has declined by 20 percent and Douglas County's pull factor has declined by 13 percent. These declines are in contrast to the City's population growth and the increase in KU student enrollment since adoption of the Plan. Further, the residential market demand has ceased and is not expected to return for several more years. With the reduction in housing expansion, commercial retail is seeking to remain closer to current residential rather than construct new projects based on expected future residential growth.

- 2. Does the proposed amendment advance a clear public purpose? (please explain)**

Yes, the proposed amendment will generate substantial new tax revenue for the City while requiring fewer municipal service costs than if the land was developed as multi-family residential. The amendment will also result in the utilization of existing infrastructure that has not been previously used to its fullest extent.

- 3. Is the proposed amendment consistent with the long-range goals and policies of the Plan? (please explain)**

Yes, the proposed amendment is consistent with the stated goals and policies of Horizon 2020 including the following: encouraging the retention, redevelopment, and expansion of established commercial areas in the community; maintaining an appropriate supply of commercially zoned land; providing regional and community shopping opportunities to meet retail needs; locating retail at the intersection of arterial or collector streets; and ensuring that commercial projects will not have a substantial negative impact on Downtown Lawrence.

- 4. Does the proposed amendment result from a clear change in public policy? (Please explain)**

Yes, current economic conditions have reduced the need for speculative housing and have increased the need for additional local commercial services.



In addition, the following shall be considered for any specific map amendment.
Please answer the following questions, if an amendment to a map in *Horizon 2020* is proposed:

5. Will the proposed amendment affect the adequacy of existing or planned facilities and services? (Please explain)

No, both the existing and proposed services associated with the proposed amendment are adequate in this area. A substantial amount of infrastructure was constructed in conjunction with development of a Wal-Mart in this same area, so many of the necessary street improvements are already in place to accommodate additional commercial square footage. The proposed amendment will allow for future facilities and services to be provided within the City by creating jobs and generating additional tax.

6. Will the proposed change result in reasonably compatible land use relationships? (Please explain)

Yes, the proposed amendment will only expand what is already a commercial area.

7. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area? (Please explain)

Yes, the expansion of the commercial node will provide new shopping opportunities for all local and trade area consumers. Further, as stated above, the City and its citizens will benefit from the creation of new jobs and new tax revenues.

SIGNATURE

By execution of my/our signature, I/we do hereby officially petition initiation of the proposed amendment as indicated above.

Signature(s):

[Handwritten Signature]

[Handwritten Signature]

Date

05/24/10

Date

05/24/10



Lowe's Midwest Real Estate Office
1952 McDowell Road, Suite 101
Naperville, IL 60563
Phone: 630-548-7500
Fax: 630-527-8830

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

Scott McCullough
May 24, 2010
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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 cursive script, reading "Robert Fiebig III", 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