

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

September 28, 2010

Mr. Mike Amyx, Mayor
Members of the City Commission
City Hall
Lawrence, KS 66044

RECEIVED

SEP 28 2010

CITY MANAGERS OFFICE
LAWRENCE, KS

Dear Mayor Amyx and City Commissioners:

The League did not write a letter to the Planning Commission in August about the request of the Lowe's big box store to locate in the Bauer Farm New Urbanism Planned Development because the staff report so expertly and convincingly supported the *Horizon 2020* position and plan for commercial development in Lawrence. We had nothing to add. *Horizon 2020* does not support Lowe's location at 6th and Folks Road and there is no justification for changing the Comprehensive Plan to accommodate Lowe's at that location.

City Commissioners may remember that last December you supported the rezoning of a special location for the Lowe's Improvement Center in the Mercato shopping center adjacent to the SLT on west 6th Street. At that time the City justified locating it in the Mercato because the access there allowed it to become a major "pull" factor in Lawrence for neighboring communities as well as Lawrence residents without the major difficulties and disadvantages of locating it in an area that did not have the same regional access advantages. Please remember that the only justification for adding commercial area to the Mercato was the proposed location of the Lowe's at this major intersection with convenient access to the SLT/Turnpike interchange.

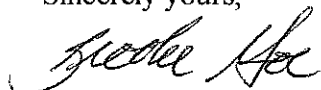
Horizon 2020 is our major and only official guide for how we, the public, support the preservation, growth and development of Lawrence. *Horizon 2020* represents careful study, expert advice and public support. Without it we have no guide for growth and development.

Locating a Lowe's in Bauer Farm would be totally in conflict with what we had hoped would be a carefully planned, walkable, mixed use development. Such a change would shift the emphasis of this area from that of a livable residential area beneficial to the neighborhood to a high intensity regional shopping center that would blight the proper development of the remaining Bauer Farm plan as well as neighboring residential areas. But worse, it would predictably change the nature of the entire neighborhood on all sides as well as the traffic patterns on 6th Street because of its auto-oriented commercial use, intensity and needed freight truck access.

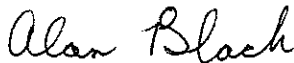
Changing *Horizon 2020* to accommodate a Lowe's in the Bauer Farm location would disrupt the entire planning process that our Comprehensive Plan represents. It would create the uncertainty that such a precedent would cause and set in motion a process that could adversely affect all developing and redeveloping areas in Lawrence. To quote from the General Goal, "It is the goal of the planning process to achieve a maximum of individual freedom, but public welfare must prevail."

We know that you will consider this issue carefully. Thank you.

Sincerely yours,



Brooke Goc, President



Alan Black, Chairman
Land Use Committee



August 23, 2010

Chairman Chuck Blaser and Planning Commissioners
Lawrence/Douglas County Planning Commission
Six E. 6th Street
Lawrence, KS 66044

RE: Consider Comprehensive Plan Amendment to Horizon 2020, including the 6th and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6th Street between Folks Road and Champion

Dear Chairman Blaser and Commissioners:

I am writing you today to express the strong support of the Lawrence Chamber of Commerce for the request to amend the comprehensive plan to Horizon 2020 including the 6th and Wakarusa Area Plan from residential/office to commercial.

It is the Chamber's belief that this request should be approved based upon the following:

- Given the housing and office slowdown that has occurred since 2007/2008, Lawrence now has a five to seven year inventory of housing units and sites. As a result, no demand for the residential and office uses originally approved in this plan exists.
- Changing the plan to allow commercial use will add approximately \$2.5 million to the property tax base which will result in more than \$290,000 in additional property taxes.
- Using an estimated \$18,000,000 in annual sales as a baseline, the city and county will see an additional \$459,000 of revenue in the first year of operation, with approximately \$385,200 accruing to the city and \$73,800 to the county.
- Commercial uses on this property will create 125 new jobs.
- Creating a significant retail concentration at this location will benefit surrounding commercial properties by providing a strong commercial "draw" to the area. The addition of a business cluster will alleviate the higher than normal vacancy rates in the commercial centers surrounding this site.
- Given the strong architectural designs standards of the Bauer Farms project, we believe that commercial use of this parcel can be accomplished in a way that compliments the uses adjacent to the site.

The Planning Commission is well aware that the original Bauer Farms plan took some 38 months to receive city approval (March 2005 to May 2008.) Several factors combined to affect the approval process, including amendments to plans initiated by either the developer or the Planning Commission. Regardless, by the time the project finally came to market, the demand for the residential/office portion of the project had diminished due to a decline in the economy and housing demand. There is no question the developer would have preferred to develop the property as originally approved but that is no longer an option. Given that fact, I believe the community has several options to consider, including:

- Keep the plan as is with no changes. This option basically tells the developer you made your choice and have to live with it. Under this option, I anticipate a five to seven-year gap before the property is developed for residential/office use and as a result will generate only minimal property tax and no sales tax revenue.
- Convert the residential portion of the parcel to multi-family. This option might seem like a reasonable compromise but given the over saturation of multi-family during the last five years, it is not realistic to believe a market exists for yet another large multi-family project in Lawrence.
- Convert to a commercial use. Based on current and future land use demands within the community, this option seems to be the most realistic and beneficial option for the city.

I am aware the city planning staff has recommended this request not be approved. I can respect that position from a purely planning perspective. But when you consider all the factors that come into play on this project and its impact on our community I believe we have to look beyond just a planning perspective.

In the end I believe there are two key questions we must ask as we consider this request. They are:

1. At this point in our community's life what is more important for our community, job growth and tax base expansion or sticking to the principles of our planning process?
2. Given the present economic environment, if this land use change request is not approved, do we choose to have a valuable parcel of land sit vacant so that it does not contribute to the community either aesthetically or economically for the foreseeable future?

Again, the Lawrence Chamber of Commerce believes this request is in the best interest of the community. If you have any questions please feel free to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Tom Kern', with a stylized, cursive script.

Tom Kern
President/CEO

From: Suzi Jackson
To: Scott McCullough
Sent: Sat Aug 21 12:18:52 2010
Subject: 6th street-proposed Lowe's site

Please do not let Mr. Compton and his associates secure the rights to build the proposed store on that site. I am not against Lowe's coming to Lawrence but this is not the site to put it. There is land further west that is more appropriate. Walmart on 6th street is not next-door to residential housing. This proposed store will be very near Free State and that area is already very congested with traffic which makes it difficult to get on Folks road at certain times of the day. No one in that area wants trucks coming in and out of a big box store constantly. This area has homes and apts with residents who are appreciative of the relative serenity they have. I have been in discussions in groups who oppose this project who may be unable to attend the meeting because of family obligations so we hope the opposing voices can be heard in some manner. In what way can these residents show their opposition? Would a petition be the way? Thank you for listening.

R. Jackson

From: Lawrence66044@aol.com

To: Scott McCullough

Sent: Sat Aug 21 17:17:48 2010

Subject: population v. retail

<http://www2.ljworld.com/news/2010/aug/20/city-planners-developers-square-over-proposal-lowe/>

McCullough also said the department is seeing more signs that Lawrence income levels and population are not keeping up with the increase in the amount of retail space. Planners said it is concerning that studies show that since 2000:

- Lawrence's population has grown by 13 percent.

Scott McCullough,

Has the population of Lawrence really grown 13%?

The population of Lawrence purportedly increased 11,950 from 2000 to 2009, and yet our public school enrollment (students who actually live in USD 497) decreased by 720 students in that same time period. Does that sound right?

If the number of people in each household has held consistent from 2000 to 2009, the population of children should have grown by at least 4000 (if you believe the 11,950 figure), but the 2008 census indicated a loss of children aged 18 and younger from the 2007 census.

Stats and links:

Census 2000, Lawrence, Kansas: population 80,098

<http://www2.ljworld.com/news/2010/jun/22/lawrence-population-makes-surprisingly-large-incre/>

According to Census Bureau estimates, the city's population stood at 92,048 on July 1, 2009 [an increase of 11,950 since the year 2000].

December 11, 2005

http://www2.ljworld.com/news/2005/dec/11/school_enrollment_estimates_will_sway_planning_fut/

In 1999, the district had 10,471 students.

[before we had a virtual school]

August 17, 2009

<http://www2.ljworld.com/news/2009/aug/17/lawrence-public-schools-enrollment-10805-students/>

The preliminary enrollment numbers, released Monday afternoon, list the total district enrollment at 10,805 students, including the Lawrence Virtual School.

September, 22, 2009

<http://www2.ljworld.com/news/2009/sep/22/district-increases-115-students/>

The district has 115 more students than last year, with a total enrollment of 10,817 students. The largest jump in enrollment was at the Lawrence Virtual School

August 31, 2009

<http://www2.ljworld.com/news/2009/aug/31/virtual-school-enrollment-increases-40-percent/>

The Lawrence Virtual School . . . will have 1,125 students, kindergarten through eighth grade, for the 2009-2010 school year. . . The school also had a high school program last school year, but it was discontinued for this year . . . Most Lawrence Virtual School students live in other parts of the state. Only 90 students live in Douglas County and only 13 of those are in the city of Lawrence.

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Summary:

USD 497 2009 enrollment

Broken Arrow 272

Cordley 315

Deerfield 502

Hillcrest 329

Kennedy 336

L. Hughes 510

New York 135

Pinckney 275

Prairie Park 427

Quail Run 473

Schwegler 385

Sunflower 482

Sunset Hill 292

Wak. Valley 214

Woodlawn 240
Virtual School 833
Total 6,020 [5,187 actual]

Junior High Enrollment
Central 429
South 570
Southwest 664
West 575
Virtual School 246
Total 2,484 [2,238 actual]

High School Enrollment
Free State 1,066
Lawrence High 1,247
Total 2,313
Total K-12 Enrollment
10,817 (9,738 actual)

[1999 enrollment (10,471) minus actual 2009 enrollment (9,738) = 733
733 - the 13 students who live in Lawrence = 720 = the loss in public school students since 1999.

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The Census bureau shows the poverty rate for Lawrence residents aged 18 has increased while the actual population of children has gone down.

US Census Bureau
Lawrence, Kansas
Poverty Status in the Past 12 Months,
Data Set: 2007
Under 18 years
Total: 14,850
Below Poverty Level: 2,919
Percent Below Poverty Level: 19.7%

Data Set: 2008
Under 18 years
Total: 14,796
Below Poverty Level: 3,003
Percent Below Poverty Level: 20.3%

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And the KU campus (at Lawrence) is losing enrollment as well:

October 1, 2009
<http://www.kansan.com/news/2009/oct/01/ku-sees-record-number-diversity/>
Total enrollment numbers at the University [KU Lawrence campus] decreased by 1.2 percent this fall

.....

KANSAS BOARD OF REGENTS ENROLLMENT REPORT:
KU (Lawrence Campus) enrollment (2004) = 25,437
KU (Lawrence Campus) enrollment (2009) = 25,182

From: Kim Taylor [mailto:ktaylor0834@sunflower.com]

Sent: Monday, August 23, 2010 7:10 AM

To: Scott McCullough

Subject: Opposition against Lowe's store

I would like to voice my opposition to the proposed building of the Lowe's building supply store at 6th & Folks.

My family lives in the Overland subdivision just north of the proposed building site. I feel the size and scope planned for this store would severely disrupt the residential feel of this small area. I am all for bringing big retailers to town and feel there is a better site for them west of Wakarusa . There is already so much traffic with the high school and with small businesses , I don't think that section of town could handle the traffic flow a big box retailer would bring to that intersection.

I encourage the planning commission to stand strong against the influence of Doug Compton and his paid-for-endorsement architects who try to persuade you into believing the site of 6th & Folks could handle the Lowe's store.

The city WOULD benefit from this retailer joining the community... just NOT AT 6th and FOLKS!!!

Sincerely,
Kimberly Taylor
4508 Range Ct.

From: Bob [bweber@sunflower.com]

Sent: Sunday, August 22, 2010 2:43 PM

To: Scott McCullough

Subject: Feedback from Planning and Development Services contact page

Scott

The Planning dept. must be appointed, because if they were elected they would not make a second term.. Lawrence has high unemployment, not collecting enough sales tax and the planning board is worried about box stores and traffic and if it is build some winey person who build their house by a main road will complain. Of course these people are all employed. Guess what, if you keep headed in the same direction you will have no jobs, no people and no tax money and when the remaining people get tired their taxes going up they will move and you and the planning board can go shopping down town all by yourself and you won't have any traffic to content with. I go to the next town to shop at their box stores and will continue to do so until the planning dept. and city wakes up. All the concern that we the people hear is how is it going to affect down town, I have got to tell you down town and box stores don't sell the same items. "I know, you can add the private business tax to the down town area and leave the rest of us alone."

Bob Weber
877 Coving Dr
Lawrence, KS



Lawrence Association of Neighborhoods

Neighborhoods Working Together

Members of the Lawrence / Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044

August 6, 2010

Re: **Regular Agenda Items for the August 23, 2010 Meeting**
Public Hearing Items

- | | | |
|------------|-------------------------------------|---|
| 1. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 2a. | Comprehensive Plan Amendment | 6th Street and Queens Road |
| 3. | Comprehensive Plan Amendment | 6th Street and Folks Road, Bauer Farms |

Dear Members of the Planning Commission,

The Lawrence Associations of Neighborhoods (LAN) opposes each of the three development proposals along West 6th Street from Folks Road to Queens Roads. LAN agrees with the recommendations of staff on each of these proposals, the applications should be denied.

Northwest Area Plan and the Prevention of a Commercial Strip

The Northwest Area Plan very specifically calls for the protection of West Sixth Street from becoming a commercial strip. It states:

The plan reiterates the goal of Horizon 2020 to terminate the lineal (strip) commercial development along West Sixth Street, west of Monterey Way, by planning commercial land uses only at the intersections of West Sixth Street and Wakarusa Drive and West Sixth Street and the South Lawrence Trafficway.

The development of retail space at Queens Road would violate the promise of the Northwest Area Plan. This would create a commercial strip along West 6th Street. The commercial strip centers would be located within close proximity of the commercial node approved at West 6th Street and Wakarusa Drive.

The shopping needs of this neighborhood are more than adequately served by the stores available at this commercial node.

Overbuilt Retail Market

The retail markets of Lawrence in general and the West 6th Street and Wakarusa Drive in particular are overbuilt. The growth of the supply of retail space has far outpaced the growth in retail spending. From 1995 to 2009, the amount of retail space in Lawrence grew by 48 percent. During the same time period, retail spending after correcting for inflation grew by only 6 percent. Most of this growth was realized in the early years of this time period, but spending has been relatively flat since the late 1990s. To give a sense of scale to the problem, in 1995 the stock of retail space was about 3.8 million square feet. If it had grown by the same 10 percent as the growth in demand at its peak in 2006, the stock would be about 4.2 million square feet today rather than the 5.7 million square feet that we have today. Thus, the surplus stock is about 1.5 million square feet.

The commercial node at West 6th Street and Wakarusa Drive is an extreme case of this overbuilt condition. This node was originally planned for 150,000 square feet of retail space. This grew to 200,000, and now over 400,000. The proposals being considered now would total to over 600,000 square feet. This growth in space has far outstripped the pace of growth of population in this sector of the city.

The Planning Commission should be taking every step possible to resolve this problem. This means, at the very minimum, that the Planning Commission should not be expanding this surplus by adding more retail space.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The proposal to modifying the plan for Bauer Farms for the inclusion of a Lowe's Home Improvement Center is an example of predatory development. 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 too small in terms of the number of homeowners normally needed to support that store. 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>
Home Depot Centers	16	1	1
Lowes Centers	3		1
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

Recommendation

In order to stop the process of turning West 6th Street into a commercial strip, in order to not add to the existing supply of surplus retail space, and to avoid predatory development that will waste the taxpayers' investment, LAN recommends against these three development proposals.

Sincerely,

Gwen Klingenberg
President – Lawrence Association of Neighborhoods