



June 10, 2013

Dear Members of the City Commission:

Menard, Inc. has submitted an application to amend the Comprehensive Plan Horizon 2020 and the Southern Development Plan in relation to the property located at 1900 31<sup>st</sup> Street in Lawrence. The amendments were requested to allow a Menards home improvement store and several outlots to be developed at that location. The subject property's future designation in H2020 and the SDP is multifamily residential. Menards has spent several years analyzing the Lawrence market and searching for a site that would work with the Menards store model and selected this site and the best possible location.

The proposed development site was formally the location of the Gas Light Village mobile home park but is currently sitting vacant. The site was vacated in 2012 for a large apartment project that was ultimately abandoned due to lack of demand. Menards selected this site above all the other locations in Lawrence for several reasons. First and most importantly this property is located near the south Iowa Street commercial node. South Iowa Street has become Lawrence's major retail destination including several big box stores as well a large number of smaller box and outlot users. All of these retailers in one location create a commercial synergy that Menards strives to be a part of. Consumers like to group shopping trips together because it means they spend less time driving around and more time at their destination. I will not argue that there are no other locations in Lawrence that are already zoned for a big box use. According to city data there is about 732,177 sq ft of vacant ground that is zoned for retail. The question "why not just locate on one of the sites that are already zoned?" has been brought up by both the general public and the Planning Commissioners. The answer is significantly more complex than the question. No one knows where a business should locate better than the business itself, that business that is going to have to compete at that location and stay profitable for many years. Menards has been building new stores for over 50 years and has a detailed understanding of the site selection criteria that make a store successful. The subject property is located adjacent to the heart of Lawrence's major retail district, south Iowa Street. Not one other site on the cities list of available spaces offers that same benefit. These properties that are already been zoned have sat undeveloped for several years for a reason, if a retailer does not find a property to be suitable for development they are likely to not develop at all. Similar businesses are attracted to each other, this is evident in almost every sector of the retail market. Big boxes choose to locate near each other because they have similar customers. Regardless of competition it is mutually beneficial when two stores draw more shoppers in than one store would by itself. Nothing proves this theory better than the concept of a shopping mall, a large number of like businesses most of them clothing related competing within feet of each other. None of those stores would be likely to survive on their own without the other stores even if it does result in more competition. The same principals apply to big box stores on a larger scale. Wal-Mart, Target, Kohl's, JC Penny, Home Depot, and Menards would all draw

far more consumers to south Iowa Street and Lawrence as a group than they would on their own. Menards shares products with just about every retailer on south Iowa Street however the benefits of drawing in a larger customer base far outweighs the competition for all retailers. As I mentioned in the beginning of the letter a plan to develop the property into multifamily apartments was abandoned due to a lack of demand for that type of housing. There is a strong demand for commercial development at this location as it is the last available commercial spot on south Iowa Street.

For the reasons above it should not be assumed that Menards will have a negative impact on the Home Depot located directly west of the Menards development. Menards and Home Depot will both directly benefit from the close proximity and generation of shoppers. Menards carries a greater variety of products than Home Depot's home improvement products. Menards products include electronics, food, clothing, furniture, and many more. Because of the large product selection Menards has more of a regional pull than other big box stores making it a destination store for shoppers willing to travel greater distances to shop. This is evident with the hundreds of shoppers that already make the trip from Lawrence and greater Douglas County to the new Menards store in Topeka every month. Menards is located next door to other home improvement stores across the county with a high rate of success. One example is in Topeka where Menards, Home Depot, and Lowes are all located in close proximity and continue to be profitable. With the new store in Lawrence the city would be able to keep local dollars in town and attract additional shoppers from all of Douglas County and the western suburbs of Kansas City. Shoppers that make the trip to shop at Menards are then likely to put additional money into the local economy through food, gas, and other shopping. In addition to new sales tax dollars through a new customer base Menards will create at least 200 new local jobs and a large number of new construction jobs furthering the projects benefit to the community.

The subject property is an infill development, converting what currently could be classified as a vacant and underutilized piece of property into a well-designed commercial center. Menards has worked in depth with the surrounding neighborhood through a neighborhood meeting, phone calls, and letters. The general consensus is that the commercial Menards project is preferred over another large apartment complex. Menards hours are from 6:30 AM to 10 PM, unlike apartments the overnight hours at Menards will not produce any noise. Extensive screening and buffering has been provided as part of the site design to reduce noise and light impacts during the day. Menards has put forth great efforts to accommodate the neighbors and cities requests to reduce any negative impacts and create a development that will benefit the entire community. The revised plans reflect some of those improvements, a 200 foot setback to the north, a 14 foot tall wood fence, a large number of trees, a trail connection to the Naismith Valley Park trail, a 10 acre open space to the west of the Menards store, and many more. Menards has also designed the site to have only two access points onto 31<sup>st</sup> street and both will be intersections controlled by lights provided by Menards. Limiting access to 31<sup>st</sup> Street through controlled intersections eliminates the chaos that commercial development can create when multiple access points are allowed.

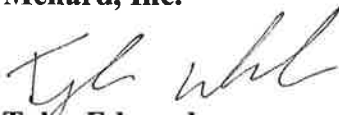
The market study analysis has been a topic of discussion throughout the Planning Commission process. Currently city code requires the analysis of the market study to consider the proposed Menards project as a vacant building and the remaining available commercial land as vacant buildings as well. An analysis of the market study is reasonable when looking at pull factors, population growth, and existing vacant buildings. However the analysis becomes unrealistic when it considers the building Menards is proposing to build as vacant the projects outlots are vacant and all the remaining commercial land as vacant. Menards would not make the investment of over 10 million dollars if we felt there was a chance that the store would ever become vacant while it was operating. Menards is extremely careful when it comes to site selection and has not closed any of its stores due to poor performance, several older stores have been rebuilt in other locations at times but not closed. It is also unreasonable to consider all of the cities vacant commercial ground into the vacancy rate because until a retailer decides to invest in the property and put up a building it is nothing more than open space. In reality the Menards store will lower the vacancy rate in town because it will increase the total amount of occupied buildings. Over time the outlots will be sold off to users but the current economy has lowered the demand for this type of lot so it is anticipated the lots will not immediately be sold and developed.

Final plans for the South Lawrence Traffic way were recently completed and construction is expected to begin in 2014. The new SLT connection will completely change the traffic patterns of south Iowa Street and all of south Lawrence. Because the scope of the SLT project is so large it is not known exactly how traffic patterns will change. 31<sup>st</sup> Street is a designated arterial road, meaning it is designed to carry heavy traffic from one part of the city to another at higher speeds with limited access. Commercial buildings are typically placed along arterial streets because the traffic is good for business. The heavy traffic is bad for residential homes because it creates noise and lights that disturb everyday life. The Menards project will be designed to minimally impact the traffic on 31<sup>st</sup> Street and will produce fewer conflicts than residential housing would. Menards sees traffic evenly spread out throughout the day with its peak hours between 12-2 PM, this busy time is different from a traditional big box retailer that generally sees its busiest hours between 5-7 PM when people get off work and go shopping. This is very evident when the traffic counts provided on the cities GIS website show the AM peak hour traffic as 861 cars and the PM peak hour as 1,547 cars at the intersection of Ousdahl and 31<sup>st</sup> St. This high volume can be attributed to all the traffic generated by evening shoppers. It is hard to argue that a large amount of commercial traffic flows past this location every day and all of that traffic is tied to the existing south Iowa Street commercial district. Some residents had concerns with the traffic impacts on nearby Louisiana Street. After spending some time watching traffic on Louisiana Street it became apparent that the existing traffic congestion occurs when both schools are starting or finishing their day and the residents are going to or from work. During a majority of the day Louisiana Street is relatively quiet with no congestion. With Menards traffic spread evenly throughout the day and the busiest time being at a non-busy time on Louisiana Street the Menards project should have minimal impacts on Louisiana Street congestion.

# **MENARD, INC.**

It is somewhat rare that the conversion from residential to commercial zoning is met with favoritism from a majority of neighbors and a positive recommendation from city staff but that is exactly what this project has. The proposed Menards development will ensure the commercial zoning on 31<sup>st</sup> street has a permanent end with the floodway preventing any further development. While not yet fully formed the site plan thus far has incorporated suggestions by both community residents and city staff to ensure the best possible fit within the existing neighborhood. Menards will continue to strive to develop the property into a first class shopping center and a destination within the City of Lawrence.

Sincerely,  
**Menard, Inc.**



**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
5101 Menard Drive  
Eau Claire, WI 54703  
P: 715-876-2143  
C: 715-579-6699  
F: 715-876-5998  
tedwards@menard-inc.com

# DALE WILLEY

CHEVROLET

BUICK

GMC

*Cadillac*

June 12, 2013

To: LAWRENCE CITY COMMISSIONERS  
Mike Dever, Mayor                      Mike Amyx, Vice-Mayor  
Bob Schumm                                Jeremy Farmer  
Dr. Terry Riordan

Subject: **MENARD, INC. DEVELOPMENT PROPOSAL**

Gentlemen:

I am including a copy of my letter to the Lawrence/Douglas County Planning Commission earlier in April regarding their first meeting considering the proposal by Menards. This sums up my thoughts about this proposal and I offer it for you to consider when it comes before you.

I look at Menards as adding value to the 31<sup>st</sup> & Iowa retail complex, adding significant real estate, personal property and sale tax dollars to our community, which are sorely needed. And there is nothing better than competition to improve anyone's business, including Home Depot's. Menards will also be adding 250 jobs, most of which are part time positions, but as I mentioned in my (attached) letter, there are many guys and gals who took an early retirement program only to discover boredom and the need for some extra spending money. You will be doing them a big favor as well.

A appreciate your willingness to serve as commissioners and I, once again, ask for your favorable consideration to approve the Menard, Inc. Development Proposal.

Sincerely,



Dale Willey

**RECEIVED**

JUN 12 2013

CITY MANAGERS OFFICE  
LAWRENCE, KS

April 26, 2013

To: Lawrence/Douglas County Planning Commissioners  
Dr. Bruce Liese, Chair      Bryan Culver, Vice-Chair      Pennie von Achen  
Charles Blaser                      Joe Josserand                      Richard Hird  
Clay Britton                      Lara Adams Burger                      Chad Lamer  
Amalia Graham

Subject:      **MENARD, INC. DEVELOPMENT PROPOSAL**

Ladies & Gentlemen:

Thank you for taking the time to serve on our local planning commission as your service is most appreciated. And thank you for showing such genuine interest in working with the Menard, Inc. development proposal. You did not vote “No” -- rather to vote to “Defer”. There is nothing wrong with further study to clarify your concerns and understanding of this proposal and the positive outcome it can provide for our city and county, when approved.

I failed to tell you that I am most passionate about the development of “my” town, “your” town, and “our” town. I truly care how it develops relative to the long term benefit of Lawrence and Douglas County. (I admit my excited remarks regarding some of the commentary revealed my concern for our home town’s growth.)

I am writing this letter for your review and understanding rather than take 10 minutes to verbally report the same during your next meeting. I can remember, as some of you will remember, that the original “Plan 95” document was flawed and desperately needed updating. I was asked and agreed to serve on the retail portion of “Horizon 2020”. Throughout our many months of meetings, discussion and planning, it was understood that the document we were writing was, at best, intended to be a “Guide” for future development, and in no way was it to be construed as a permanent definitive plan for the future growth of Lawrence and Douglas County, Kansas.

I know you and our City/County Planning staff have a concern over traffic on 31<sup>st</sup> street east of Iowa. We certainly do not need another costly “traffic study” for 31<sup>st</sup> street as it currently exists, since the traffic volume will change within three years. Common sense along with a couple of hours of watching the current levels of traffic will convince you that the SLT, when completed, will dramatically reduce future traffic volume on 31<sup>st</sup> street. You should know that 31<sup>st</sup> Street has been the substitute for the eastern leg of the SLT for many years.

The proposed Menard's project, if approved now, will NOT be completed before 2015. When the new 31<sup>st</sup> street is completed, there will be Haskell property on the adjacent north (undevelopable) and wetlands adjacent on the south (undevelopable). And no development will occur at the Broken Arrow Park, at the intersection of 31<sup>st</sup> & Louisiana either. My recommendation would be to contact Bruce Snodgrass now and ask him his preference for the zoning of his home & developable land. (Most of the land east of his home is in a flood plain and will never be developed.) He can decide to leave it "Residential" forever, or change it to commercial now for any future development. But that decision will have been made for a future proposal. Then you have Menard's proposal to zone now along with the Snodgrass proposal completed.

The draw to the 31<sup>st</sup> & Iowa retail area is very strong. As a result, property values and related real estate taxes are very high. Sales volumes and the related sales taxes are extremely high. This area produces hundreds of thousands of dollars annually for our city and county. Employment is very stable and will improve by 250 people with the addition of Menards. And I am very aware of people who have qualified for retirement deciding to retire (early), and within six months thereafter, becoming bored and regretting their decision. They then go out looking for part-time work, whether it is at Home Depot or (hopefully) Menards.

Regarding future commercial development of west 6<sup>th</sup> street, that will definitely be a retail center over time. Menard's knows their business and preferred locations better than any of us. I know Menards prefers to locate their stores next to or across the street from a similar business such as Home Depot or Lowes. Car dealers prefer to locate near one another for the synergy of their businesses. Restaurants and Bars apparently prefer the downtown Lawrence locations. The synergies of such business locations work.

The decision to locate the Rock Chalk Ranch north of 6<sup>th</sup> street and the SLT by-pass certainly sets the stage for related businesses to locate nearby such as restaurants, sporting good stores, motels/hotels, etc. A home building supply has little to gain from the Rock Chalk venue, especially considering the poor density of homes in the area.

Regarding the violation or deviation from the "Horizon 2020" long range planning document, that document is just like the prior document, "Plan '95" -- it became flawed, inaccurate and/or dated soon after approval. I liken it to electronics that we all have and use. You can buy the latest computer or cell phone today only to discover that 30 days later, what you bought is, or will soon be outdated. In other words, flexibility is a must for any long range plan. The Rock Chalk Ranch development was never a consideration when Horizon 2020 was written. We can say we have a long range plan, but it would appear that every potential development application requires special consideration and exceptions from the long range planning document.

Don't you think for the benefit of Lawrence and Douglas County, we pursue a "Conceptual" long range plan, but with specific update requirements occurring every two or three years as situations and growth dictate. And the people drafting such a plan must truly be forward thinkers as well as understanding development trends around the country that will eventually affect Lawrence and Douglas County. And these people involved with developing such a long range plan should have a reasonable level of actual business experience and/or exposure! Even a city planner, or two, should be included with this conceptual long range plan committee. But, in most cases, the city planners' limited knowledge and understanding of the commercial business model negatively affects the plan being properly crafted, if completed only by the planning staff.

I've been a salesman all my life and one thing I know for sure, when the consumer says "I'm ready to buy." I best write the order and make the sale! To put off the ready consumer invites the consumer to lose their enthusiasm for Lawrence and possibly withdraw their proposal. We have seen that with Lowes, we have seen that with the Olive Garden restaurant proposal, and the attitude we displayed during the process of accepting the American Eagle proposal led American Eagle to sense they were truly not welcomed by Lawrence, so they went to Ottawa and have become a great corporate citizen and employer! And I really get upset when I think about the legal cost of over \$500,000.00 incurred by our city trying to dictate to Wal-Mart where they can locate their proposed second store!

Let's take all these negative possibilities and create some positive documents and attitudes. "Can't" never accomplished anything! And we've been saying too many times that what some company wants "can't" be done.

Most sincerely,

Dale Willey

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.

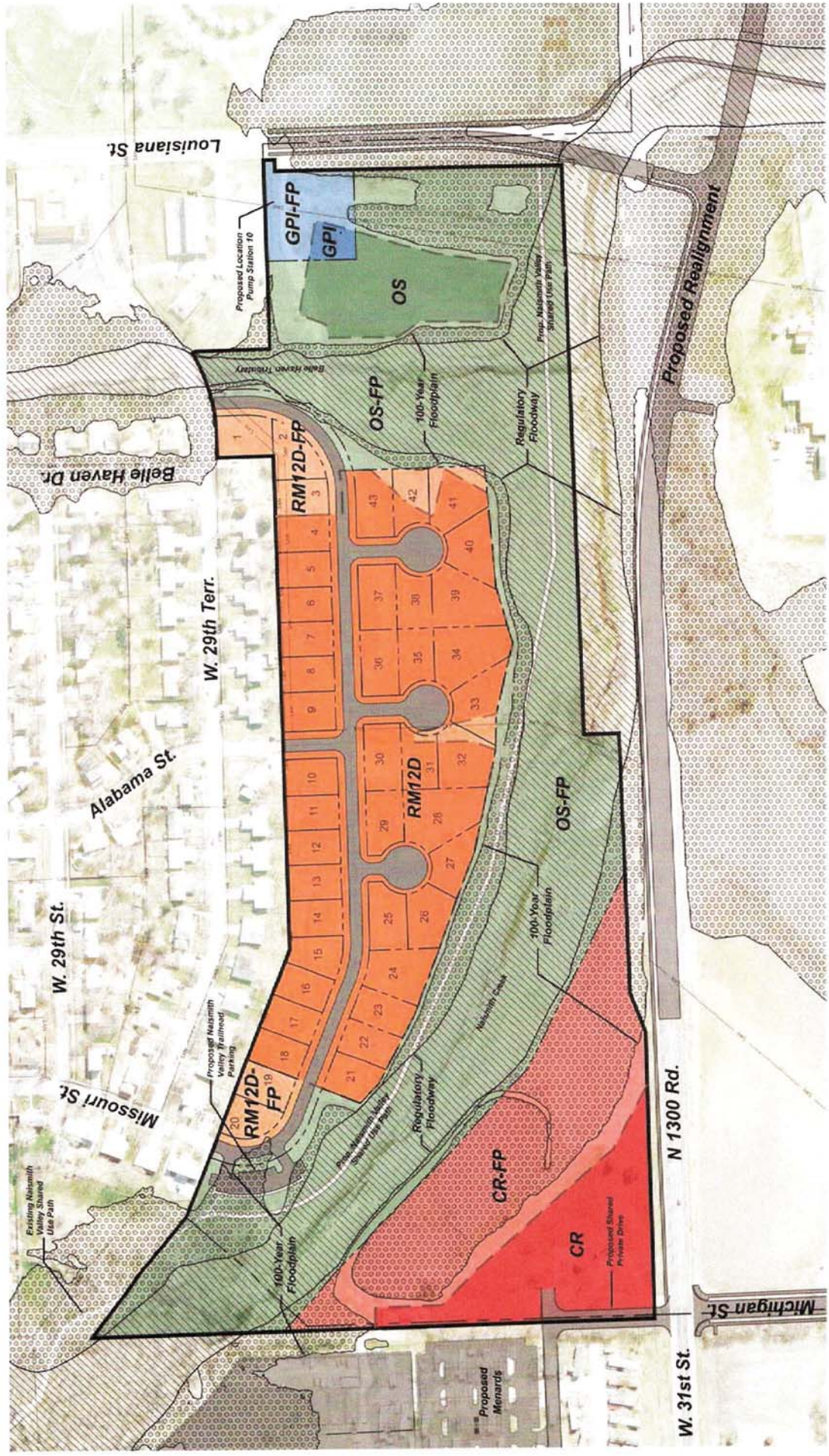
- We believe this is a perfect opportunity to control access onto the remainder of 31<sup>st</sup> Street east to Louisiana Street. As such, we request that the zoning change requested by Menard's be conditioned upon access points as determined by the City on the final plat. This requirement will allow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



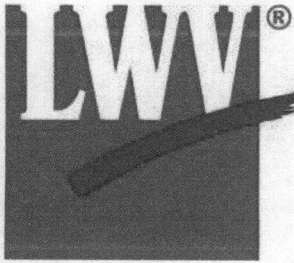
**LAND USE SUMMARY:** TOTAL SUBMITTED SITE AREA: 47.92 AC.

Category	Area (AC)
Proposed Residential (RM12D)	33.6 AC
Proposed Office/Service (OS)	10.32 AC
Proposed Community Residential (CR)	3.0 AC
Proposed Floodplains	0.9 AC
Proposed Regulatory Floodways	0.1 AC
<b>TOTAL AREA</b>	<b>47.92 AC</b>

**PROPOSED ZONING:** TOTAL AREA: 47.92 AC. TOTAL ZONING: RM12D (33.6 AC), OS (10.32 AC), CR (3.0 AC).

**SNODGRASS PROPERTY  
CONCEPT PLAN**

MAY 7, 2013



LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED  
MAY 20 2013  
City County Planning Office  
Lawrence, Kansas

May 19, 2013

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

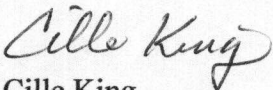
---

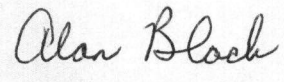
Summary:

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

**Amalia Graham**  
[amalia.graham@gmail.com](mailto:amalia.graham@gmail.com)

**Richard Hird**  
[rhird@pihhlawyers.com](mailto:rhird@pihhlawyers.com)

**Charles Blaser**  
[cblaser@sunflower.com](mailto:cblaser@sunflower.com)

**Pennie von Achen**  
[squampva@aol.com](mailto:squampva@aol.com)

**Jon Josserand**  
[jonjosserand@gmail.com](mailto:jonjosserand@gmail.com)

**Clay Britton**  
[clay.britton@yahoo.com](mailto:clay.britton@yahoo.com)

**Lara Adams Burger**  
[laraplancomm@sunflower.com](mailto:laraplancomm@sunflower.com)

**Chad Lamer**  
[chadlamer@gmail.com](mailto:chadlamer@gmail.com)

**Bryan Culver (Vice-Chair)**  
[bculver@bankingunusual.com](mailto:bculver@bankingunusual.com)

**Bruce Liese (Chair)**  
[bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com)

**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

**Amalia Graham**  
[amalia.graham@gmail.com](mailto:amalia.graham@gmail.com)

**Richard Hird**  
[rhird@pihhlawyers.com](mailto:rhird@pihhlawyers.com)

**Charles Blaser**  
[cblaser@sunflower.com](mailto:cblaser@sunflower.com)

**Pennie von Achen**  
[squampva@aol.com](mailto:squampva@aol.com)

**Jon Josserand**  
[jonjosserand@gmail.com](mailto:jonjosserand@gmail.com)

**Clay Britton**  
[clay.britton@yahoo.com](mailto:clay.britton@yahoo.com)

**Lara Adams Burger**  
[laraplancomm@sunflower.com](mailto:laraplancomm@sunflower.com)

**Chad Lamer**  
[chadlamer@gmail.com](mailto:chadlamer@gmail.com)

**Bryan Culver (Vice-Chair)**  
[bculver@bankingunusual.com](mailto:bculver@bankingunusual.com)

**Bruce Liese (Chair)**  
[bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com)

**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.

---

#### **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:center ratio	104,243	113,569	56,785
Owners:center ratio	28,359	24,800	12,400

---

#### *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", written over a horizontal line.

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", is written over a light blue horizontal line.

**Tyler Edwards**  
Real Estate Representative  
Menard, Inc. – Properties  
5101 Menard Drive  
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			

## Bobbie Walthall

---

**To:** David L. Corliss  
**Subject:** RE: Menards

**From:** Paul Oehlert [<mailto:pauloehlert@gmail.com>]

**Sent:** Tuesday, April 23, 2013 5:08 PM

**To:** [schummfoods@gmail.com](mailto:schummfoods@gmail.com); [mdever@sunflower.com](mailto:mdever@sunflower.com); [mikeamyx515@hotmail.com](mailto:mikeamyx515@hotmail.com); Scott McCullough; David L. Corliss; [voteyourselfafarmer@gmail.com](mailto:voteyourselfafarmer@gmail.com); [riordan346@gmail.com](mailto:riordan346@gmail.com)

**Subject:** Menards

Dear Sirs,

This has never been something that I do - sit down and write a letter, and, to complain. It is my understanding that the recent decision by the planning department to not recommend the Gas Light Village site for Menards was done so by simply following the guide lines set forth by the 20/20 plan. I do believe that it is very important to have goals and guide lines to insure that there is a direction that we are headed. I believe though that it is very unrealistic that these guide lines can be created and not " tweaked" over a 20 year period.

American Eagle, Lowes, Menards, who's next? That is if you assume that this again will not send another clear message that Lawrence does not want new business's to come to Lawrence, or if you come - lets put you over here.....REALLY ?? Maybe you need to be Thomas Fritzel and offer up something that will have a plaque with your name on it to have the rules " tweaked ".

It is my opinion that ENOUGH is ENOUGH. If John Menard wants to put a store on 31st street where there is ample infrastructure to handle it - Let him.

Paul Oehlert  
720 E. 23rd  
Lawrence, KS  
[785-393-6010](tel:785-393-6010)

**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

# MENARD, INC.

RECEIVED

March 11, 2013

MAR 16 2013

City County Planning Office  
Lawrence, Kansas

Sent VIA US Mail

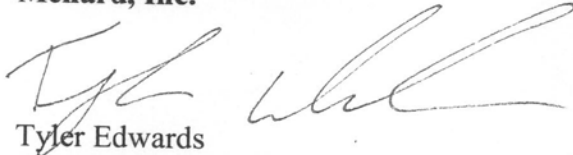
Dear Property Owner:

This letter is being sent to you in regards to property located at 1900 W. 31<sup>st</sup> Street Lawrence, KS. All property owners within 1000' of the subject property are being notified of a neighborhood meeting to be held at 6 PM in the South Middle School auditorium on April 8, 2013.

The subject property is currently a vacant 41 acre parcel that was formally the Gas Light Village mobile home park. Applications have been submitted to City of Lawrence Planning Staff to rezone a majority of the property from its existing Multifamily Residential to Commercial. An application has also been submitted for a Comprehensive Plan amendment due to the properties future land use designation in Horizon 2020 and the "Southern Development Plan" as residential.

Menard, Inc. a Midwest based home improvement retailer has submitted the applications as part of the new store development process. Please feel free to attend the neighborhood meeting with comments and questions regarding the project. The neighborhood meeting is being organized to work on solutions with the residents of Lawrence and to get neighborhood input. Please come prepared to discuss the project and offer constructive ideas or suggestions. This is not a full review of the site plans but an opportunity to make everyone heard regarding the rezoning and Comprehensive Plan amendment before the public meeting. All comments will be taken into consideration when a revised set of plans is submitted to the City Staff and Planning Commission prior to the public meeting. If you are unable to attend the meeting please send questions in a written form and I will address them in a written response and at the meeting. Thank you and I look forward to meeting with you.

Sincerely,  
**Menard, Inc.**



Tyler Edwards  
Real Estate Representative  
Menard, Inc. - Properties  
5101 Menard Drive  
Eau Claire WI, 54703  
715-876-2532

## **Bobbie Walthall**

---

**To:** David L. Corliss  
**Subject:** RE: Response to questions

---

**From:** Britt Crum-Cano  
**Sent:** Friday, November 18, 2011 3:26 PM  
**To:** 'Tyler Edwards'  
**Cc:** David L. Corliss; Diane Stoddard  
**Subject:** Response to questions

November 18, 2011

Tyler Edwards  
Menards Real Estate Representative  
5101 Menard Drive  
Eau Claire, WI 54703

Dear Tyler,

Thank you again for taking time to meet with us on October 25<sup>th</sup> and discuss the possibility of Menards locating in Lawrence. We are fortunate to have several areas within Lawrence that enjoy strong retail synergies and consumer patronage, providing solid, financial support for quality retailers such as Menards.

During our meeting, you indicated Menards would require approximate 17 acres to accommodate space requirements for a building, garden center, and lumber yard. You also mentioned the Easy Living manufactured home park at 3323 Iowa Street was a site of interest since it met the space requirements. The applicable sector plan designates this site for residential uses. A comprehensive plan amendment would be needed, and while staff does not decide such requests, such an amendment may have merit. You could apply for this pending ownership on the building. Typically, a business has a contract for purchase subject to land use and other approvals.

There was also some interest in the City's economic development tools, and specifically using the Neighborhood Revitalization Area (NRA) for this site. Eligibility for a NRA is detailed in Section Three of that policy (please see attached) and includes both statutory and City considerations. Note that under the Statutory Criteria, the governing body would have to find that current site conditions compromise the health, safety or welfare of City residents, which would be a challenge for this location given that the property is not blighted and is successfully being operated as a manufactured home park.

As you continue your consideration of sites within Lawrence, please let me know if you need additional information on demographics, traffic counts, or processes. I believe I previously forwarded the link to our economic development website, but will include it again in case you would like more specifics on our economic development policies or access to an on-line application: [http://www.lawrenceks.org/economic\\_development](http://www.lawrenceks.org/economic_development)

Again, thank you for considering Lawrence for your business. We would be delighted to count Menards among one of our many successful retailers. As you proceed with your plans, please let us know if we can assist you further either with information or the development process.

Best regards,



**Britt Crum-Cano** - *Economic Development Coordinator*  
City Manager's Office | [City of Lawrence, KS](#)  
P.O. Box 708, Lawrence, KS 66044  
[bcano@lawrenceks.org](mailto:bcano@lawrenceks.org)  
(785) 832-3472