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June 10, 2014

Lawrence City Commission
ATTN: Scott McCullough, Dave Corliss
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Appeal of Staff Approval of Menard's Site Plan, SP-13-00423

Dear Scott,

On behalf of Plaza Lawrence, L.L.C., a property owner within 200' of the Menard's Development and Project No. SP-13-00423, I am writing to appeal the recent approval of the Menard's Site Plan. This appeal is filed in accordance with Section 20-1304(k) of the City Development Code, on the grounds described below and in our previous correspondence.

The approvals previously provided to Menard's in the development process represent a significant shift in city planning and development policy and now present issues related to the potential future development of the Plaza Lawrence property. Nearly fifteen years ago, Plaza Lawrence's property development was constrained by the requirement of a buffer area along its east property line adjacent to the then mobile home park. Rather than discharging an undetained flow of storm water from the Plaza Lawrence development directly into Naismith Creek, which was a permissible option but likely required channel improvements to Naismith Creek, Plaza Lawrence utilized the required buffer area for storm water detention basins. While discharging storm water directly into Naismith Creek was permissible at that time, the buffer area was undevelopable ground and determined to be the best option for storm water control at that time, given City policy concerning development East of Plaza Lawrence.

The Menard's development now obviates the need for a buffer area on the Plaza Lawrence property. The storm water detained in the buffer area, which now flows to Naismith Creek, will drain to the Menard's detention pond north of the Plaza Lawrence property under current plans. Plaza Lawrence will be constrained from future full development of the Plaza Lawrence property buffer area by Menard's Site Plan and presumably its Final Plat, which do not provide Plaza Lawrence an easement to directly discharge its storm water into the regional pond adjacent to the buffer area. Accordingly, Site Plan and Final Plat approvals should address the fair and equitable use of the regional detention area by neighboring properties.

City Storm Water Policy encourages the use of regional storm water detention facilities, where feasible. The Menards development was required to, and in fact does, accommodate the storm water of a large region of the City outside the Menard's project. This de facto regional storm water area includes the Plaza Lawrence property (after detention). The Menard's Pond has more than enough capacity to accommodate the undetained storm water for this large region, including a fully developed Plaza Lawrence Property. Plaza Lawrence seeks to be included among regional property owners which Menard's is required by the City to accommodate. The ample pond capacity for all regional storm water, including that of the Plaza Lawrence property, is confirmed by Menard's own reports which have been reviewed by City staff.

This appeal is necessitated by the fact that Menards reneged on a prior agreement to provide an easement to accept Plaza Lawrence's undetained storm water earlier in the development process. When Menards sought approval of the Planning Commission for the Preliminary Plat, Plaza Lawrence and Menards reached an agreement memorialized in the notes on the Preliminary Plat regarding this matter. After the Preliminary Plat was approved, Menards notified Plaza Lawrence that it no longer planned to accept its undetained storm water, citing various disingenuous rationale that have proven unsupportable. This unfortunate turn of events and its detrimental impact on Plaza Lawrence should be reviewed in accordance with the Preliminary Plat record and our prior correspondence on this matter. Plaza Lawrence requests that Menard's Site Plan and Final Plat acceptance not be approved unless they include an easement providing for the undetained discharge of Plaza Lawrence' storm water into Menard's regional pond. Alternatively, Plaza Lawrence requests that the City establish a public regional detention facility to accommodate all of the regional storm water, including that of the Plaza Lawrence property.

Respectfully yours,



Dan Watkins

cc: T. Edwards, P. Dellaportas