

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence Douglas County Planning Commission

FROM: Sandra Day, AICP, Planner II

CC: Scott McCullough, Director of Planning and Development Services

Date: November 8, 2013

RE: PP-13-00338; Preliminary Plat for Menards revised submittal

Attachment A: November Submittal of Preliminary Plat.
Attachment B: October Submittal of Preliminary Plat.
Attachment C: Concept of Development.
Attachment D: Ousdahl Road Right-of-Way Exhibit.
Attachment E: Watkins Letter dated 10.16.13 and applicant's Response Letter
Attachment F: Revised Site Plan submittal dated 11.12.13
Attachment G: Applicant's letter dated 11.12.13

Summary

Prior to the October 21st Planning Commission, the applicant for the Menards preliminary plat requested deferral of the consideration of the item. The applicant submitted a revised Preliminary Plat for staff's review and recommendation to the Planning Commission on October 24, 2013. The applicant is requesting approval of a revised version of the preliminary plat included in the November Planning Commission Packet as [Attachment A](#).

The staff report included in the October Planning Commission packet recommended approval of the preliminary plat subject to one condition regarding the right-of-way for Ousdahl Road. The October version also included a variance request from the right-of-way width for 31st Street. The previous version of the preliminary plat is identified as [Attachment B](#).

Key changes between the October and November versions include the following:

1. Reduced area for Lot 1 (Menards) from: 24.49 ac. to 21.36 ac.
2. Increased area for Lot 2 (Lot 3 in previous version) from: 1.57 ac. to 5.28 ac.
3. Modified interior access drive east/west alignment and modifying area of lots along 31st Street.
4. Reduced width of Ousdahl Road (east half) from proposed 40' access and utility easement) to a 20' utility easement.

The cumulative effect of these changes creates an additional large pad site to the east of the Menards property and would deny the opportunity to improve and complete Ousdahl Road to the north property line of the adjacent property.

Variance for 31st Street

Regardless of the version proposed, a variance is required from the right-of-way requirement for 31st Street as discussed in the October staff report. Staff recommends approval of the requested variance for a reduced width for 31st Street. The existing 50' right-of-way combined with the proposed easements along the south property line shown in both versions of the drawing (20' pedestrian and utility easement) are sufficient to address infrastructure requirements in this area.

Planned Development Pattern

During the original development discussed earlier this year, a very developed concept plan for this area was the basis for land use recommendations extending commercial development along 31st Street. This concept was based on a single big box user with several smaller lots along the 31st Street frontage. The triangular area known as the Snodgrass residence was added as part of the overall land use discussion for this area and as a terminating point for commercial development along this segment of the corridor.

While the Snodgrass tract includes 8.147 acres, the developable area is restricted by the lot configuration and the presence of floodplain across much of this lot. Development can occur within the regulatory floodplain; however, there are restrictions on the intensity and amount of impervious development that can occur within such a lot. The Concept plan from the summer 2013 meetings is included at [Attachment C](#).

The revised preliminary plat includes two large lots in addition to the Mendards site. One of these lots is the 8-acre Snodgrass property. The October plat complied with the design concept represented during the comprehensive plan amendment of one site for a single big-box user with several small pad sites. This revised plat includes a smaller lot for the Menards site, four pad sites along 31st Street, and a 5.2-acre pad site between Menards and the Snodgrass lot. This arguably is acceptable in the primary discussion at time of comprehensive plan amendment was to forgo big box development along the 31st street frontage. The revisions would permit a second anchor, though more minor in nature, where the larger Menards would otherwise be developed.

Michigan Street and 31st Street

The proposed preliminary plat will extend Michigan Street a short distance north of 31st Street. There is no planned signal at this intersection at this time. The revised preliminary plat and building layout with the delivery activity located on the east side of the building is likely to result in a desired traffic movement especially truck traffic to access the overall development from Michigan Street. As traffic volumes increase, it is probable that a traffic signal will be warranted at this intersection. As such, the applicant should be required to participate in a fair share of any future intersection improvements. This is typically completed as part of a benefit district for geometric improvements to intersections. The applicant should be advised that a condition of approval of the Final Plat would be the execution of an agreement not to protest the formation of a benefit district for intersection improvements of Michigan Street and 31st Street.

Ousdahl Road Right-of-Way

The proposed preliminary plat terminates the extension of Ousdahl Road leaving it with only ½ of existing right-of-way (along the west side of the centerline). Refer to [Attachment D](#).

The October 2013 plat proposed to complete Ousdahl Road to the north lot line of the adjacent property with a 40' access/utility easement adjacent to the existing right-of-way platted with the final Plat of First National Addition. Staff's recommendation was that Ousdahl Road should be developed as a full width local street (30' of Right-of-way each side). Refer to October Staff Report for recommendation.

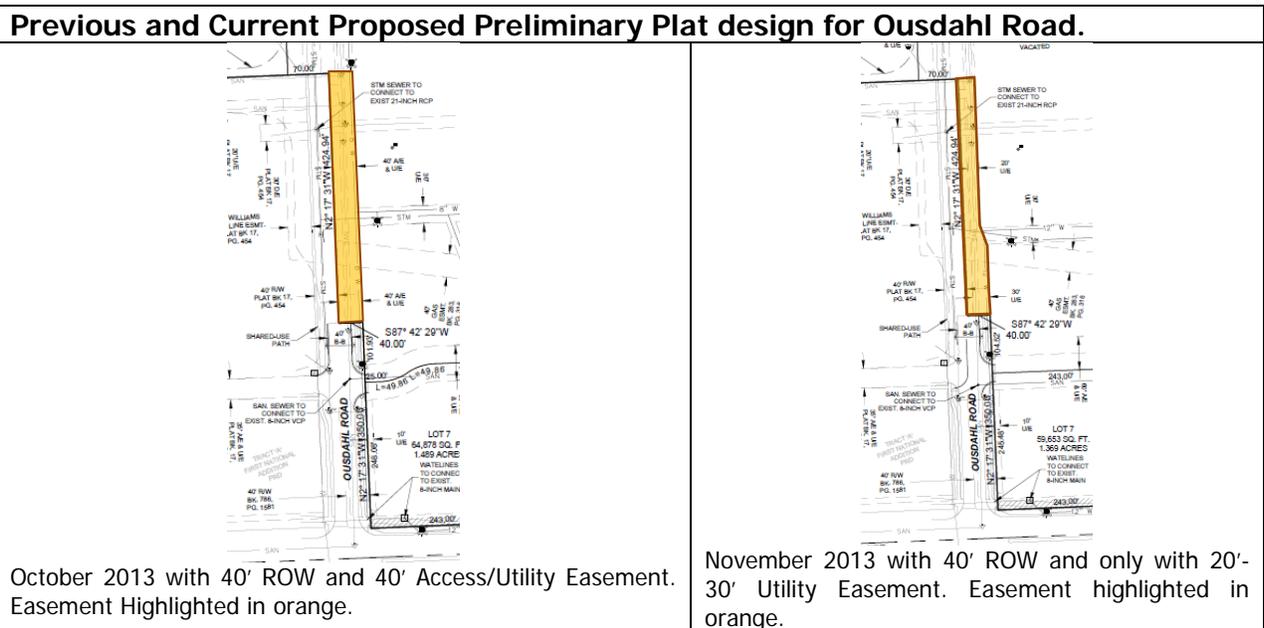
Ousdahl Road was designed to accommodate the future redevelopment of the mobile home park with interior connecting streets. The initial submittal of the Menards request included an access arrangement for Ousdahl Road that created a driveway serving Menards that was partially on public right-of-way (the west half of Ousdahl Road) and the remaining portion on private property.

During the review of the preliminary plat for the October Planning Commission meeting, the adjacent property owner to the west expressed interested in options to redevelop a portion of their property that would benefit from access to Ousdahl Road. Staff recommended that Ousdahl Road be extended as a public street.

The most recent submission reverts to the one-half right-of-way with only a 20' utility easement proposed to be dedicated on the east side of the street centerline. This current configuration leaves a half street with no development potential for the abutting property to the west. Section 20-810 (e) (9) requires dedication of the remaining one-half of a street. This section specifically states:

Whenever ROW for one-half of a street has been dedicated to bring that street to the then current standards, regardless of whether that half of the street has been improved, a subdivision of land adjoining the other half of the street is proposed; the remainder of the right-of-way shall be dedicated and improved by the subdivider.

Staff recommends the preliminary plat be revised to show a complete street right-of-way per the subdivision regulation requirements noted above.



Staff recommends the dedication of 30' of right-of-way east of the centerline of Ousdahl Road extended north to match the existing right-of-way. Additionally the street will need to terminate in a cul-de-sac per section 20-810 (e)(2)(vi).

Street designs require either the street to be extended to accommodate future development of adjacent property or to terminate. Dead-end streets are not permitted per the subdivision regulations. Streets may terminate in a cul-de-sac. The Michigan Street right-of-way is proposed to terminate in a hammerhead to allow turn-around as required especially for emergency vehicles. Likewise, Ousdahl Road must have a proper termination. The street may terminate in a cul-de-sac where the developer of this request must provide his one-half share of the cul-de-sac or a hammerhead design may be acceptable. When the adjacent property to the west redevelops then the additional right-of-way to match either the cul-de-sac or hammerhead will be acquired at that time. This arrangement provides a connected street pattern with appropriate street termination.

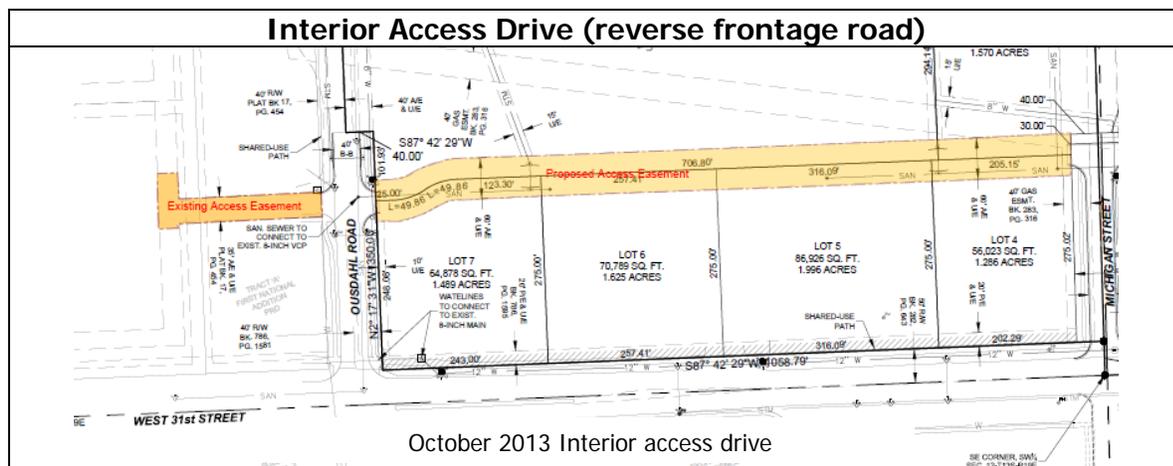
The effect of this recommendation is that the placement of the proposed improvements (Menards Site Plan) must be shifted to the east. This will likely result in a reduction of the width of Lot 2 in the northeast portion of the proposed subdivision.

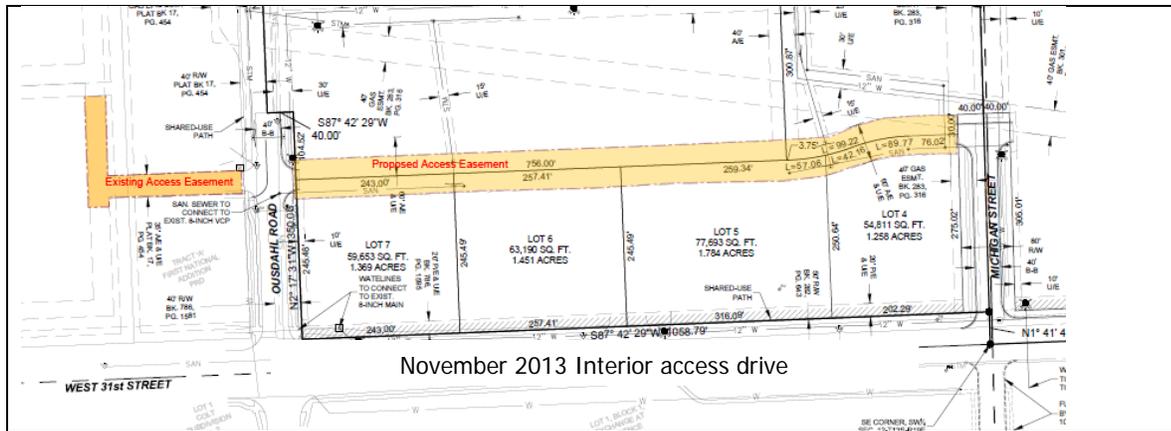
Staff recommends dedication of right-of-way for the termination of Ousdahl Road to accommodate either a hammerhead or cul-de-sac.

Interior Access

The proposed subdivision modifies the interior access drive along the north side of the pad sites (Lots 4-7) resulting in lot depth reduction from the originally proposed 275' to the current 245'. Both plat documents maintain the intersection connectivity with the existing access easements to the west. The alignment changes at the intersection with Michigan Street in the revised version. This access easement aligns with the west portion of the hammerhead that terminates Michigan Street within the subdivision.

The location of the interior drive, parallel to W. 31st Street, serves as a reverse frontage road providing access to all lots within the proposed development. The proposed access drive is aligned such that it creates a 4-way intersection north of 31st Street with the existing access drive to the west for the development within the First National Addition subdivision. The following images show the previous and current proposed alignment of the interior access drive.





Menards Layout

The significant impact of the combined changes to Ousdahl Road, the interior access drive, and the creation of Lot 2 is the ultimate configuration for site development of the Menards Lot. The October version of the preliminary plat provided the development of a Menards store with direct vehicular access to the exterior storage area for both customers and delivery vehicles along Ousdahl Road. Both subdivision plats include private improvements that are partially within the public right-of-way of Ousdahl Road (existing dedicated 1/2 ROW west of centerline).

Private Improvements within existing ROW	
<p>October Preliminary Plat configuration</p> <ol style="list-style-type: none"> 1. Initial submittal with full ROW dedicated for Ousdahl Road. Highlighted in blue. 2. Plat revised during review included dedication of 40' access/utility easement in lieu of ROW dedication. 3. Staff recommended dedication of 30' ROW with 10' UE to make complete local street for Ousdahl Road. 	<p>November Preliminary Plat configuration</p> <ol style="list-style-type: none"> 1. Existing Right-of-way highlighted in blue. 2. Access drive uses full width of ROW for extension to private drives to north. 3. Plat includes dedication of 20' of utility easement to accommodate utility extensions to serve this property. 4. No dedication of access easement or ROW is included for remaining 1/2 width of Ousdahl Road.

The applicant has indicated a desire to flip the site layout and reduce the size of the exterior storage area for the Menards store causing a change to the preliminary plat (abandonment of Ousdahl Road and an increase in Lot 2). The revised site plan concept moves access to the exterior storage yard to the east. The applicant indicates that this design separates the garden area (typically frequented by pedestrians) on the west side of the building from vehicular and

First National Development Request

Enclosed with the packet for this month's consideration is a request from Dan Watkins on behalf of the adjacent property owner, to require the applicant to incorporate sufficient stormwater infrastructure to accommodate the future development of Tract A located along the west side of Ousdahl Road. [See [Attachment E](#), letter from Dan Watkins dated 10/16/13 and applicant's response letter dated 11.8.13]

Upon adoption of the Comprehensive Plan Amendment earlier this year the boundary line for commercial development along 31st Street was extended to the east. Development of Tract A of the First National Development property provides an additional opportunity for infill commercial development along this corridor. Tract A, originally identified as a designated buffer between commercial and residential uses along the corridor, also serves the dual purpose of providing stormwater detention for the existing development. Tract A is currently restricted to open space and stormwater detention uses (per approved subdivision plat). Development of this property would require several land use approvals including rezoning and replatting.

The request made by Mr. Watkins would result in a type of regional detention that would benefit both property owners in addition to properties both up and down stream. However, there is no policy or code requirement to require the applicant to make such a public accommodation. The applicant's design provides the required stormwater detention basis. Because of the volume of fill needed to elevate the building pad site the borrow area is greater than the required detention volume.

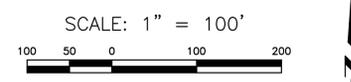
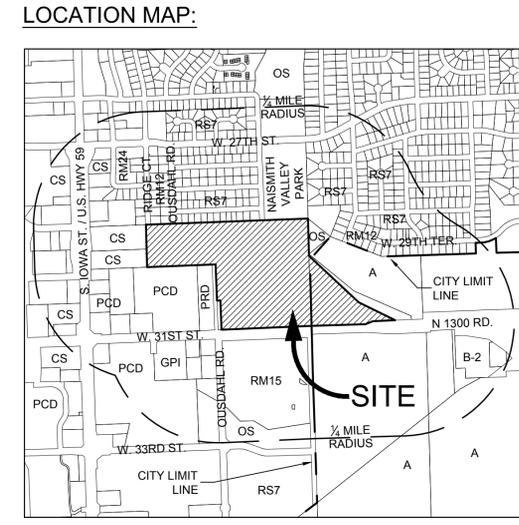
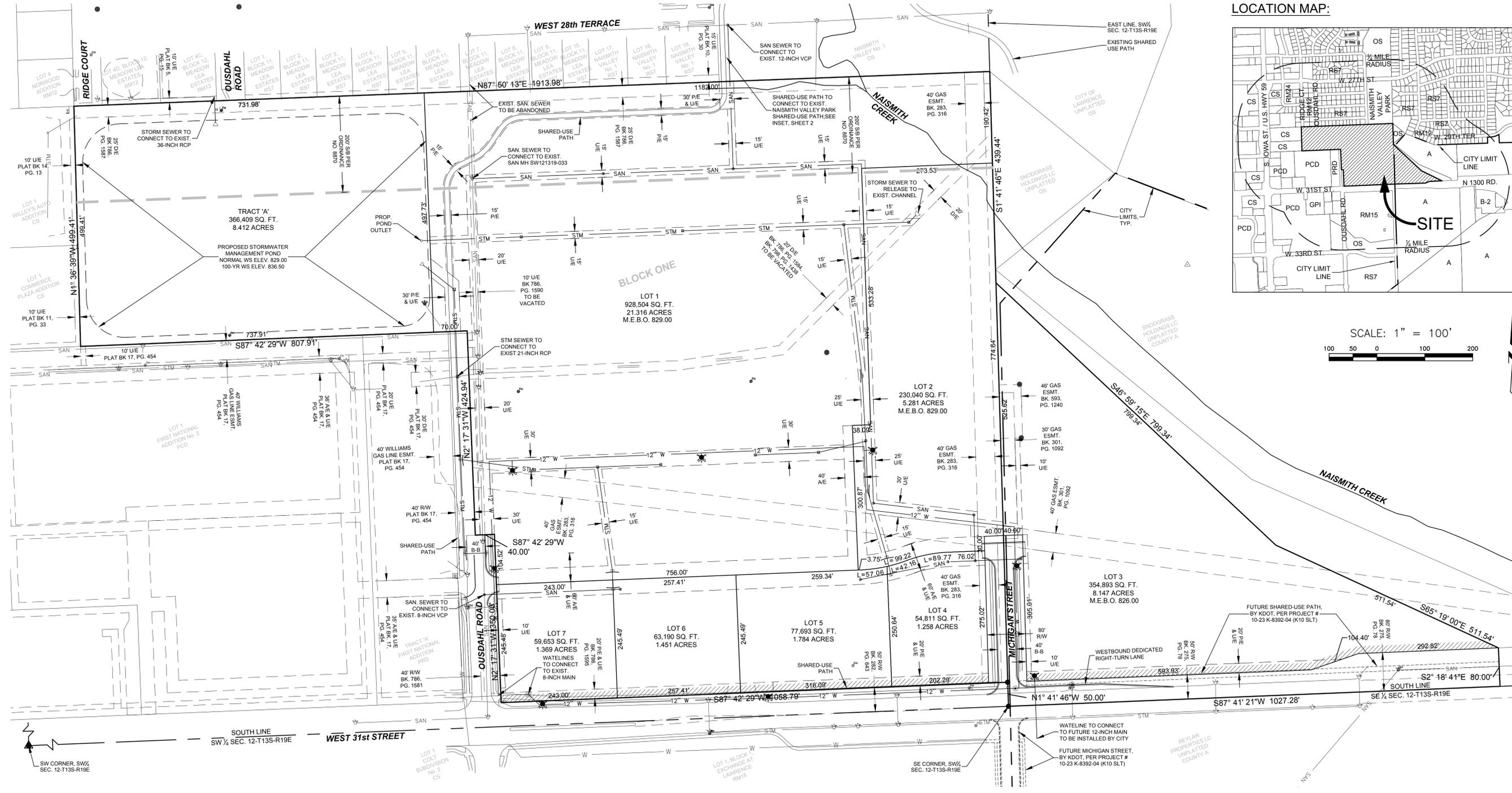
Summary

The revised preliminary plat was submitted to staff on October 24th and reviewed between October 25th and November 6th. Comments were forwarded to the applicant with notes that revisions were needed by the City Stormwater Engineer, Planning Staff, Fire Prevention Staff, City Utility Engineer, and City Engineer. There has not been an opportunity to consider any revisions to the preliminary plat. Since some technical concerns are still unaddressed, staff recommends the preliminary plat be approved subject to conditions.

Staff Recommendation

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Dedication of a minimum of 30' ROW for Ousdahl Road to the north property line of the adjacent property to the west and to include ½ of a cul-de-sac or other approved design of a street termination.
2. Provision of a note on the face of the preliminary plat indicating that an agreement not to protest the formation of a benefit district for geometric improvements to the intersection of Michigan Street and 31st Street will be executed with the Final Plat for this property.
3. Provision of a revised preliminary plat to correct the notation of the 60' AE & UE on Lot 7 and Lot 1.



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO TO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

GENERAL NOTES:

- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC. 10011 WOODEN ROAD EDWARDSVILLE, KANSAS 66111
- BRUCE F. & JOAN SNODGRASS 1352 N 1300 ROAD LAWRENCE, KS 66046
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DRIVE LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAPS (FIRM); PANEL NO. 167, MAP NUMBER 20045C0167D AND PANEL NO. 186, MAP NUMBER 20045C0186D, DOUGLAS COUNTY, KS., BOTH BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3% SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UCA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	88,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	54,811 SF / 1.258 AC
MAXIMUM LOT AREA:	928,504 SF / 21.316 AC

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAHL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED AT THE NORTHEAST CORNER OF OUSDAHL ROAD AND 31ST STREET AND A PROPOSED 12-INCH MAIN TO BE CONSTRUCTED BY THE CITY AT THE SOUTHEAST CORNER OF 31ST AND MICHIGAN STREETS.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wakanusa Drive
Lawrence, KS 66044
Tel: (785) 842-7500
Fax: (785) 842-7510
Web: www.landplan-pa.com

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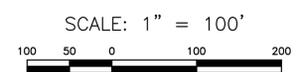
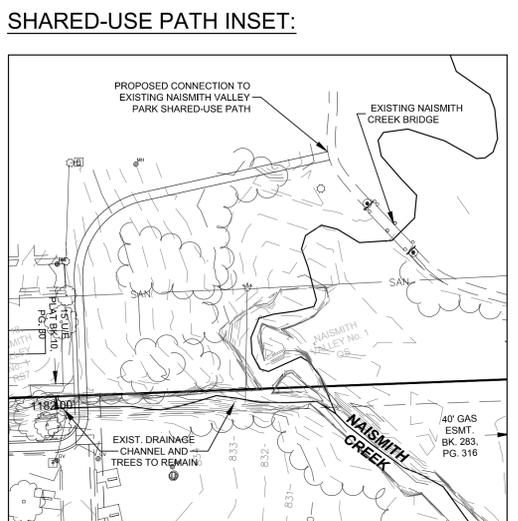
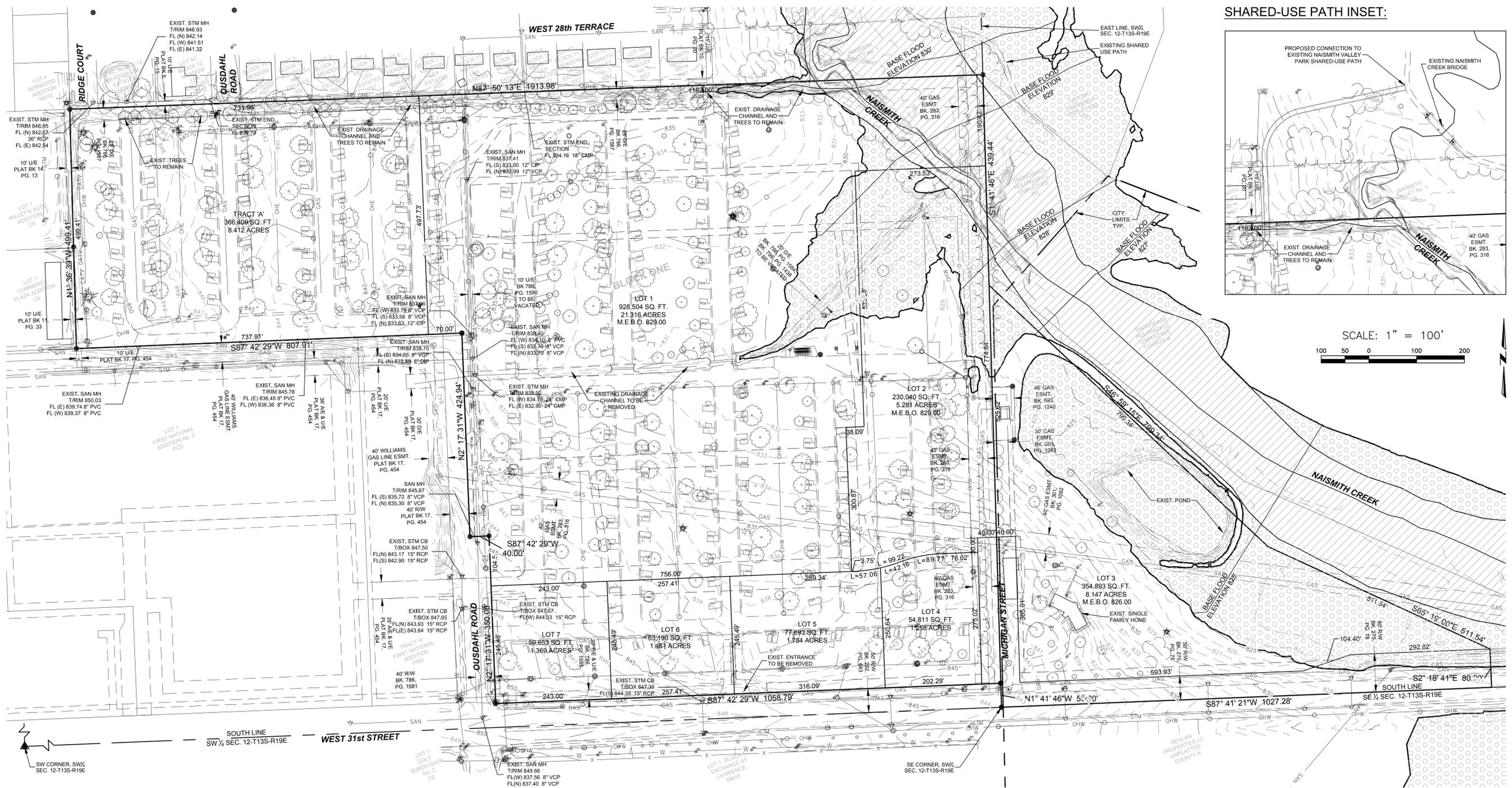
**1900 WEST 31st STREET
LAWRENCE, KS 66046**

**MENARDS ADDITION
PRELIMINARY PLAT**

REV	DATE	DESCRIPTION
1	8/13/13	PER DEPT. COMMENTS
2	10/24/13	PER DEPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS
ISSUE	SHEET NO.
	1
	OF 2 SHEETS

FILE NAME: R:\20133001\CAD\Planning\PP\133001C-PP.dwg LAST SAVED BY: Brian Stumm SAVED DATE: 10/24/2013 11:48 AM PLOTTED: 10/24/2013 11:49 AM



LEGEND:

	FLOODWAY (ZONE AE, PER FEMA FIRM)		EXISTING WATER BLOWOFF
	100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)		EXISTING WATER VALVE
	- 930 - EXISTING TOPOGRAPHIC CONTOUR		EXISTING FIRE HYDRANT
	- W - EXISTING WATER LINE		PROPOSED FIRE HYDRANT
	- W - PROPOSED WATERLINE		EXISTING MANHOLE
	- SAN - EXISTING SANITARY SEWER		EXISTING SANITARY SEWER MANHOLE
	- SAN - PROPOSED SANITARY SEWER		PROPOSED SANITARY SEWER MANHOLE
	- STM - EXISTING STORM SEWER		EXISTING STORM SEWER MANHOLE
	- STM - PROPOSED STORM SEWER		EXISTING AREA DRAIN
	- GAS - EXISTING GAS LINE		PROPOSED STORM SEWER CURB INLET
	- OHW - EXISTING OVERHEAD WIRE		PROPOSED STORM SEWER END SECTION
	- OHE - EXISTING OVERHEAD ELECTRIC		EXISTING GAS VALVE
	- UGE - EXISTING UNDERGROUND ELECTRIC		EXISTING GAS REGULATOR
	- CATV - EXISTING CABLE TELEVISION		EXISTING GASLINE MARKER
			ACCESS PROHIBITED

BENCHMARKS:

BM #1	"□" CUT ON NW COR. CONCRETE GAS VAULT ± 79' W. OF E. SECTION LINE & ± 41' N OF E. SECTION LINE. ELEV. 845.59
BM#2	"□" CUT ON CENTER FRONT FACE OF CURB INLET LOCATED AT THE SW CORNER OF THE INTERSECTION OUSDAHL AND U STREET ± 200' NORTH ELEV. 847.62
BM#3	"□" CUT ON THE CENTER FRONT FACE OF CURB INLET LOCATED ON THE EAST SIDE OF RIDGE COURT ± 125' NORTH AND 30' EAST OF NW PROP. COR. OF GASLIGHT VILLAGE. ELEV. 848.26
BM#4	"□" CUT ON BACK OF CURB ± 21' EAST OF DRIVEWAY AT 1602 W. 28TH TERRACE ON NORTH SIDE OF ROAD. ELEV. 839.72

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1310 Wagonwheel Drive
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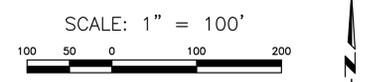
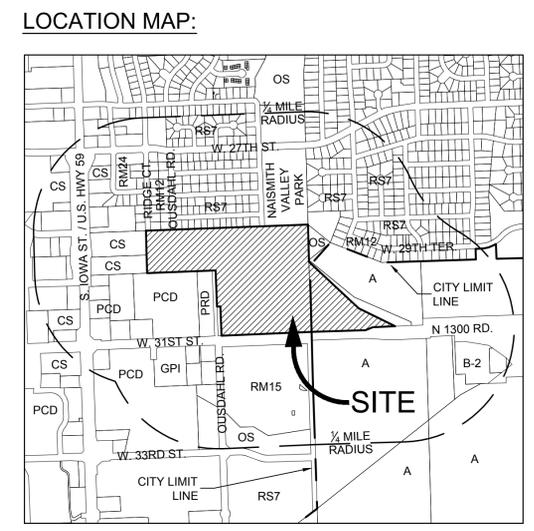
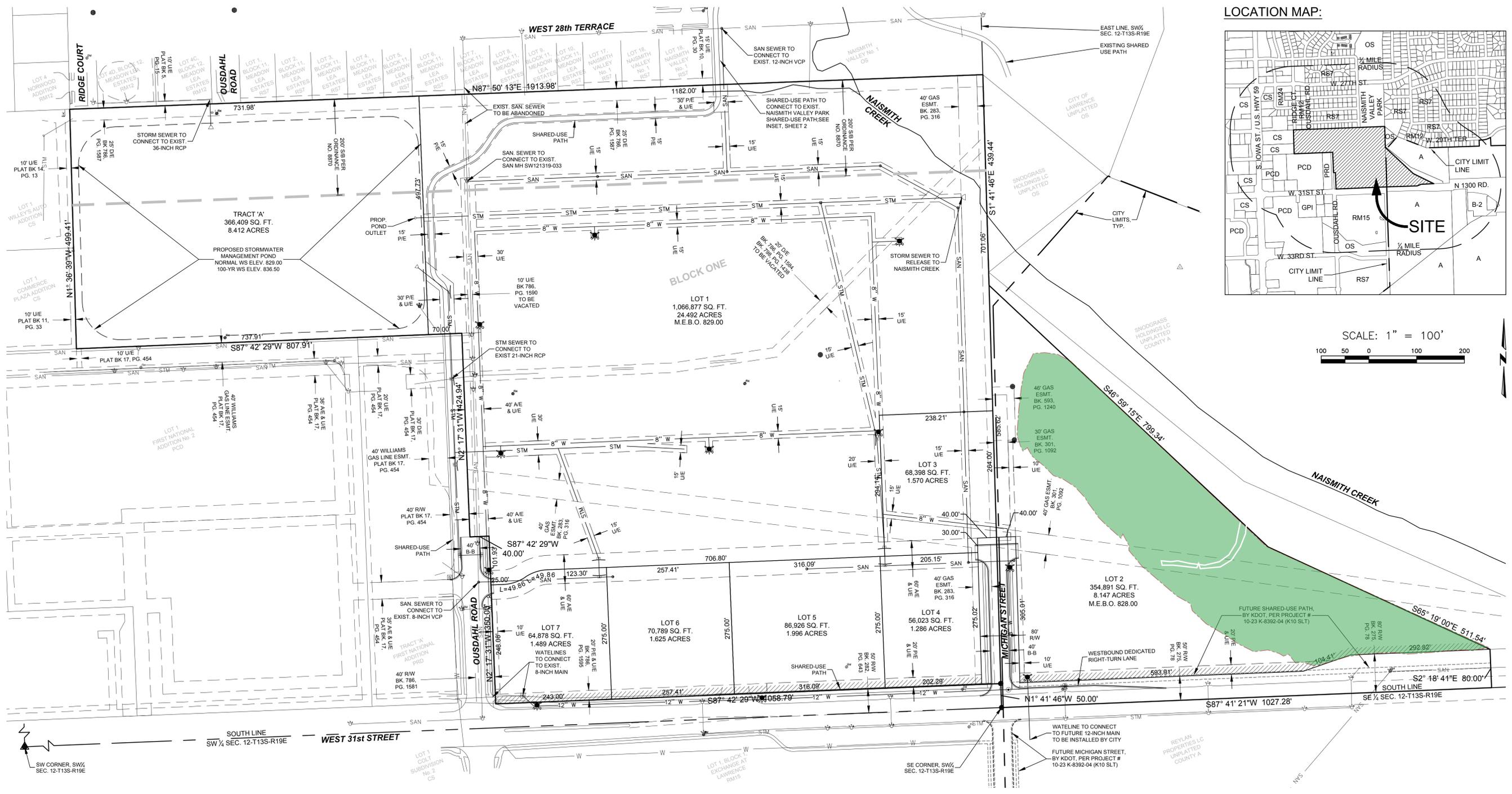
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**1900 WEST 31st STREET
LAWRENCE, KS 66046**

**MENARDS ADDITION
PRELIMINARY PLAT**

REV	DATE	DESCRIPTION
1	8/13/13	PER REPLY COMMENTS
2	10/24/13	PER REVISIONS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO TO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

GENERAL NOTES:

- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC. 10011 WOODEN ROAD EDWARDSVILLE, KANSAS 66111
BRUCE F. & JOAN SNODGRASS 1352 N 1300 ROAD LAWRENCE, KS 66046
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DRIVE LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPAM ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 167, MAP NUMBER 200450167D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3% SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	88,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	56,023 SF / 1.286 AC
MAXIMUM LOT AREA:	1,066,877 SF / 24.492 AC

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAHL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH LINE LOCATED AT THE NORTHEAST CORNER OF OUSDAHL ROAD AND 31ST STREET.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
 Lawrence, KS • Kansas City, MO • Columbus, OH
 The Woodlands, TX • Farmington Hills, MI

1310 Wakarusa Drive
 Lawrence, KS 66044
 Tel: (785) 842-7500
 Fax: (785) 842-2410
 Email: info@landplan-pa.com
 Web: www.landplan-pa.com

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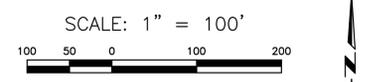
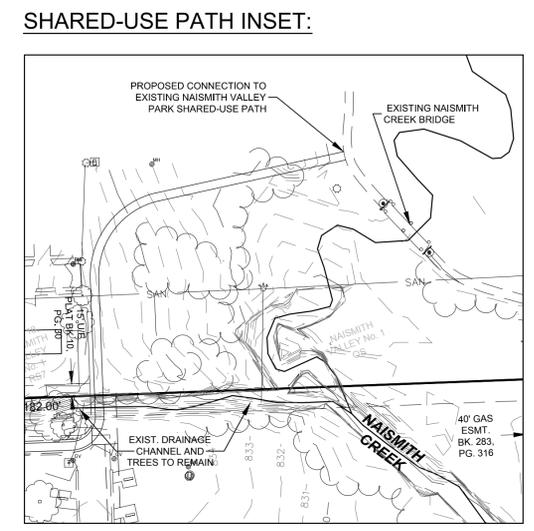
1900 WEST 31st STREET
LAWRENCE, KS 66046

MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	9/13/2013	PER REPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS

FILE NAME: R:\20133001\CAD\Planning\PP\133001C-PP.dwg LAST SAVED BY: Brian Sturm SAVED DATE: 9/13/2013 11:56 AM PLOTTED: 9/13/2013 11:57 AM



LEGEND:

	FLOODWAY (ZONE AE, PER FEMA FIRM)		EXISTING WATER BLOWOFF
	100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)		EXISTING WATER VALVE
	- 930 - EXISTING TOPOGRAPHIC CONTOUR		EXISTING FIRE HYDRANT
	- W - EXISTING WATER LINE		PROPOSED FIRE HYDRANT
	- SAN - EXISTING SANITARY SEWER		EXISTING MANHOLE
	- SAN - PROPOSED SANITARY SEWER		EXISTING SANITARY SEWER MANHOLE
	- STM - EXISTING STORM SEWER		PROPOSED SANITARY SEWER MANHOLE
	- STM - PROPOSED STORM SEWER		EXISTING STORM SEWER MANHOLE
	- GAS - EXISTING GAS LINE		EXISTING AREA DRAIN
	- OHW - EXISTING OVERHEAD WIRE		PROPOSED STORM SEWER CURB INLET
	- OHE - EXISTING OVERHEAD ELECTRIC		PROPOSED STORM SEWER END SECTION
	- UGE - EXISTING UNDERGROUND ELECTRIC		EXISTING GAS VALVE
	- CATV - EXISTING CABLE TELEVISION		EXISTING GAS REGULATOR
			EXISTING GASLINE MARKER

BENCHMARKS:

BM #1	"□" CUT ON NW COR. CONCRETE GAS VAULT ± 79' W. OF E. SECTION LINE & ± 41' N OF E 31ST STREET. ELEV. 845.59
BM#2	"□" CUT ON CENTER FRONT FACE OF CURB INLET LOCATED AT THE SW CORNER OF THE INTERSECTION OUSDAHL AND U STREET ± 200' NORTH ELEV. 847.62
BM#3	"□" CUT ON THE CENTER FRONT FACE OF CURB INLET LOCATED ON THE EAST SIDE OF RIDGE COURT ± 125' NORTH AND 30' EAST OF NW PROP. COR. OF GASLIGHT VILLAGE. ELEV. 848.26
BM#4	"□" CUT ON BACK OF CURB ± 21' EAST OF DRIVEWAY AT 1602 W. 28TH TERRACE ON NORTH SIDE OF ROAD. ELEV. 839.72

Civil Engineering
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Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
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1310 Wagonwheel Drive
Lawrence, KS 66044
Tel: (785) 842-7500
Fax: (785) 842-7510
Web: www.landplan-pa.com

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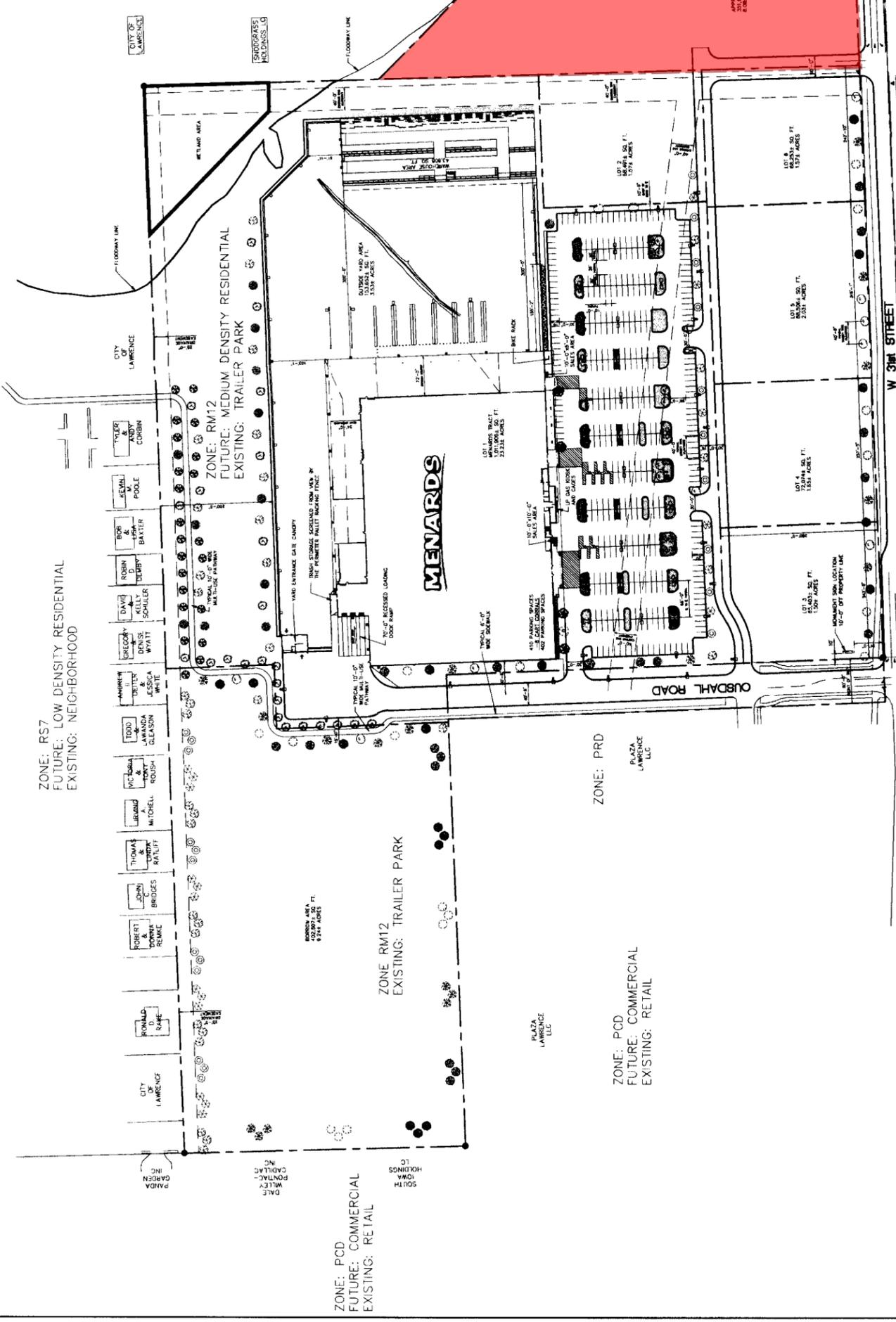
**1900 WEST 31st STREET
LAWRENCE, KS 66046**

**MENARDS ADDITION
PRELIMINARY PLAT**

REV	DATE	DESCRIPTION
1	9/13/13	PER REPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS

LANDSCAPE LEGEND				
SYMBOL	SCIENTIFIC, COMMON NAME	SIZE	QTY.	MATURE SIZE
	JUNIPERUS VIRGINIANA, EASTERN RED CEDAR	6'-0" TALL	22	40'-0" TO 50'-0" TALL 8'-0" TO 20'-0" WIDE
	ACER RUBRUM 'RED SUNSET', 'RED SUNSET' RED	2 1/2" ø	14	40'-0" TO 60'-0" TALL 40'-0" TO 60'-0" WIDE
	ACER PLATANOIDES 'EMERALD GREEN', 'EMERALD GREEN', 'NORMAN MAPLE'	2 1/2" ø	34	40'-0" TO 60'-0" TALL 40'-0" TO 60'-0" WIDE
	NYSSA SYLVATICA, BLACK TUPELO (BLACK GUM)	2 1/2" ø	17	30'-0" TO 50'-0" TALL 20'-0" TO 30'-0" WIDE
	PICEA GLAUCO 'DENSA' A, BLACK HILLS SPRUCE	6'-0" TALL	24	30'-0" TO 40'-0" TALL 15'-0" TO 20'-0" WIDE
	PYRUS CALLERYANA 'CHANTICLEER', 'CHANTICLEER' CALLERY PEAR	2 1/2" ø	22	30'-0" TO 40'-0" TALL 10'-0" TO 45'-0" WIDE
	CERDIS CANADENSIS 'ALBA', 'ALBA' EASTERN REDBUD	2 1/2" ø	33	20'-0" TO 30'-0" TALL 25'-0" TO 30'-0" WIDE
	MALUS X HYBRID 'PRAIRIEFIRE', 'PRAIRIEFIRE' FLOWERING CRAB	2 1/2" ø	30	20'-0" TALL 20'-0" WIDE
	GRATAEGUS PHAENOPYRUM, WASHINGTON HAWTHORN	2 1/2" ø	19	20'-0" TO 25'-0" TALL 10'-0" TO 30'-0" WIDE
	AMELANCHIER X GRANDIFLORA, SERVICEBERRY	2 1/2" ø	24	15'-0" TO 20'-0" TALL 15'-0" TO 20'-0" WIDE
	EUONYMUS BUNGEANUS, WINTERBERRY EUONYMUS	2 1/2" ø	16	15'-0" TO 20'-0" TALL 10'-0" TO 10'-0" WIDE
	POTENTILLA FRUTICOSA 'ABBOTTSWOOD', 'ABBOTTSWOOD' POTENTILLA	3 GALLON	73	4'-0" TALL 4'-0" WIDE
	SPIRAEA JAPONICA 'LITTLE PRINCESS', 'LITTLE PRINCESS' SPIREA	3 GALLON	74	2'-6" TALL 2'-6" WIDE
	MICROBIOTA DECUSSATA, SIBERIAN CYPRUS	1 GALLON	27	1'-6" TALL 7'-0" WIDE
	BERBERIS THUNBERGII var. ATROPURUREA 'CRIMSON PYGMY', 'CRIMSON PYGMY' JAPANESE BARBERRY	3 GALLON	68	1'-0" TO 2'-0" TALL 2'-0" TO 3'-0" WIDE
	HYDRANGEA AS NEEDED			
	1 1/2" WASHED RIVER ROCK (PLANTERS BY FRONT OF BUILDING) 4" TO 8" ROCK RIP-RAP (BEHIND WATERHOUSE)			



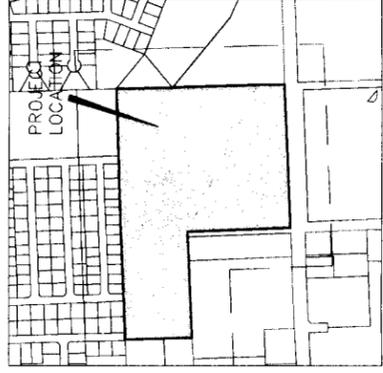
Tyler Edwards
 Menard, Inc.
 Real Estate Representative
 5101 Menard Drive
 Eau Claire, WI 54603



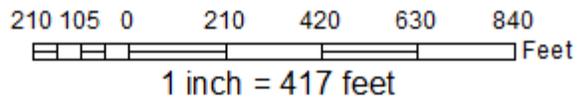
Lawrence, Kansas
 Overall Site Plan
 August 7, 2013
 Scale: 1" = 100'-0"



RECEIVED
 AUG 19 2013
 City County Planning Office
 Lawrence, Kansas

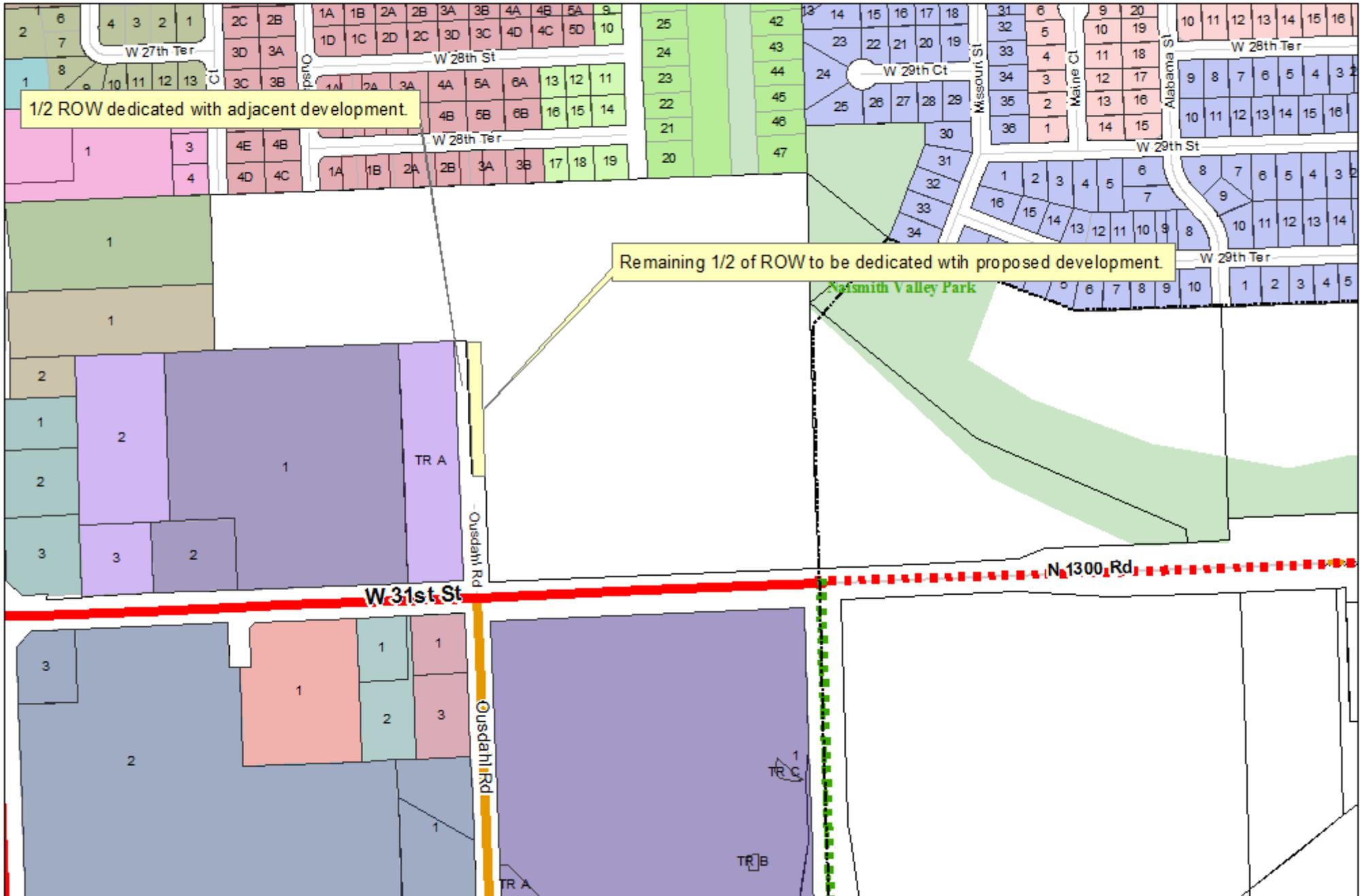


SEC. 12-1135-R15E
 CITY OF LAWRENCE
 DOUGLAS COUNTY, KANSAS
 SCALE: 1" = 600'



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Date: 11/8/2013



THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

October 16, 2013

Lawrence-Douglas County Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Conditions of Menard's Preliminary Plat

Dear Commissioners,

On behalf of First National Development, Ltd.,(FND) with this letter I would like to revise the requested conditions to the Menard's Inc. Preliminary Plat, as proposed in my September 25, 2013 letter to the Commissioners. After reviewing the proposed conditions and discussing planning policy with City staff, FND has agreed to withdrawal requested conditions numbered 1, 2, 3, 5, and 6. However, FND respectfully requests that the Planning Commission consider proposed condition No. 4. That condition would ensure that Menard's Inc. consider and incorporate sufficient stormwater infrastructure for the development of Tract "A".

Stormwater on the FND property is currently collected in the detention ponds located on Tract "A" and channeled by City easement to the creek situated in lower elevations to the north and west of the FND site. The stormwater plan in the Menard Inc. Preliminary Plat diverts this channeled water into Menard's new detention pond, located immediately to the north of Tract "A". Accordingly, the Menard Inc. Preliminary Plat already plans to accommodate the stormwater from the FND property by diverting it through the stormwater pipes it must install in any event. The proposed condition would simply require Menard, Inc. to properly size the pipe to accommodate FND's stormwater, without detention on the FND site. Because FND is otherwise limited in its stormwater options due to the location of the Menard, Inc. site, this proposed condition is the most efficient process for avoiding future undue hardship to either Menard Inc. or FND.

While FND respects the recommendation and policies of the planning staff, it also acknowledges that the competitive advantage to be gained by Menard's is the result of a change in these policies. This equitable resolution would simply allow FND the same opportunity for development that Menard's would receive with the approval of its preliminary plat.

Respectfully yours,



Dan Watkins

cc: T. Edwards, P. Dellaportas



November 8, 2013

Dear members of the Planning Commission,

As we have moved through the preliminary plat process a request was made on behalf of First National that the existing buffer between the shopping center to the west and the Menards lot be eliminated to accommodate their shopping center's future growth. As part of that request First National has asked that Menards increase the size of a stormwater pipe and pond to accommodate the First National stormwater runoff. We have no opposition to the development of that property or the removal of the buffer. However Menards is not willing to accommodate the additional stormwater runoff.

With the commercial Menards development there is no longer a need to screen the Home Depot from the property to the east. Menards would consent to this buffer being eliminated if it was strictly a physical buffer to reduce a commercial to residential zoning transition. However that is not the case, that parcel also serves as the stormwater detention and treatment pond for the entire First National development. This is not a small development or a small pond. All 21 acres of mostly pavement on the First National development drains into this pond. The purpose of this pond is to accumulate rainwater and stormwater runoff when it rains and slowly release it back into the natural water table. The water is also treated in the pond because it encounters significant vegetation and seeps back into the soil through this natural filter. Without the pond, water would flow freely from the parking lots of the First National development and into Naismith Valley creek, carrying all the pollutants it picked up on the way. This would be very troubling to the natural habitat in Naismith Valley and in the Baker Wetlands.

There are currently two drainage ditches that cross the Menards development property caring stormwater from the east to Naismith Valley Creek. Both of these ditches will be handled in the same capacity they are handled today. Improvements will be made to the drainage ditch to the north so heavy runoff is filtered through the pond at the bottom of the borrow pit and does not flood the neighbors yards as it has in the past. The ditch through the middle of the property will be rerouted to accommodate the store sitting over its existing location. Menards is not taking on any additional stormwater under this scenario, we are simply providing a better alternative to alleviate the existing flooding problems. The First National request would add 21 acres of untreated impervious surface runoff to the Menards property. Stormwater ponds are expensive to maintain and the more water you add the more maintenance that is required. The expenses Menards would incur would be much more than the larger pipe between the properties that was mentioned in the First National letter.

The borrow pit on Menards development was not created strictly as a stormwater pond. If it was it would be significantly smaller. The borrow pit is needed to bring the property up out of the floodplain and closer to the elevation of 31st street and the rest of the neighborhood. Today the property sits significantly lower than the surrounding property,



the borrow pit will provide fill to raise the finished floor elevation of the Menards development.

It seems that because Menards is developing our site with a large borrow area that will handle the stormwater that currently flows across the Menards site the owners of First National feel they are entitled to dump their stormwater into that barrow area as well. It is certainly unreasonable to request that your neighbors assume responsibility for your duties as a property owner. It would be just as unreasonable if Menards requested that First National allow Menards guests to park in their parking lots because we don't feel the need to build our own lot since they have a big lot and we want more outlot space. Or if Menards requested to store our extra products on their property because there is space available. Or if Menards asked First National pay our property taxes because after all they are paying theirs and we are neighbors so why not. None of these would be considered acceptable because as property owners these are our responsibilities. Stormwater runoff is no exception to this responsibility.

Menards is not opposed to First National developing that property however they need to accommodate their own stormwater runoff in a detention pond or in underground tanks. There are certainly viable options available to First National to accommodate their stormwater but pushing it onto the Menards lot is not an acceptable option. A number of plans and supportive materials has been submitted with the preliminary plat but if there is any other information you would like to review please let me know. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in black ink that reads "Tyler Edwards".

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

ZONE: RS7
 FUTURE: LOW DENSITY RESIDENTIAL
 EXISTING: NEIGHBORHOOD

ZONE: RM12
 FUTURE: MEDIUM DENSITY RESIDENTIAL
 EXISTING: TRAILER PARK

ZONE: PCO
 FUTURE: COMMERCIAL
 EXISTING: RETAIL

ZONE RM12
 EXISTING: TRAILER PARK

ZONE: PCO
 FUTURE: COMMERCIAL
 EXISTING: RETAIL

ZONE: PRD

ZONE: A
 FUTURE: MEDIUM DENSITY RESIDENTIAL
 EXISTING: FLOODWAY/FLOODPLAIN

ZONE: PCO
 FUTURE: COMMERCIAL
 EXISTING: RETAIL

ZONE: RM15
 FUTURE: MEDIUM DENSITY RESIDENTIAL
 EXISTING: APARTMENTS

LANDSCAPE LEGEND

SYMBOL	SCIENTIFIC, COMMON NAME	MINIMUM SIZE	QTY.	MATURE SIZE
	CARPINUS CAROLINIANA, AMERICAN HORNBEAM	2 1/2" ø	22	20'-0" TO 30'-0" TALL 20'-0" TO 30'-0" WIDE
	PLATANUS x ACERIFOLIA 'BLOODGOOD', 'BLOODGOOD' LONDON PLANETREE	2 1/2" ø	12	70'-0" TO 100'-0" TALL 65'-0" TO 80'-0" WIDE
	ACER PLATANOIDES 'EMERALD GREEN', 'EMERALD GREEN' NORWAY MAPLE	2 1/2" ø	40	40'-0" TO 60'-0" TALL WIDTH VARIES
	NYSSA SYLVATICA, BLACK TUPELO (BLACK GUM)	2 1/2" ø	17	30'-0" TO 50'-0" TALL 20'-0" TO 30'-0" WIDE
	PICEA ABIES, NORWAY SPRUCE	6'-0" TALL	23	40'-0" TO 60'-0" TALL 25'-0" TO 30'-0" WIDE
	PYRUS CALLERYANA 'CHANTICLEER', 'CHANTICLEER' CALLERY PEAR	1 3/4" ø	22	30'-0" TO 40'-0" TALL 10'-0" TO 45'-0" WIDE
	CERCIS CANADENSIS 'ALBA', 'ALBA' EASTERN REDBUD	1 3/4" ø	32	20'-0" TO 30'-0" TALL 25'-0" TO 30'-0" WIDE
	GLEDITSIA TRIACANTHOS var. INERMIS, THORNLESS COMMON HONEYLOCUST	2 1/2" ø	32	30'-0" TO 70'-0" TALL 30'-0" TO 70'-0" WIDE
	QUERCUS RUBRA, RED OAK	2 1/2" ø	22	60'-0" TO 75'-0" TALL 60'-0" TO 75'-0" WIDE
	TILIA CORDATA 'GREENSPIRE', 'GREENSPIRE' LITTLELEAF LINDEN	2 1/2" ø	13	60'-0" TO 70'-0" TALL 30'-0" TO 45'-0" WIDE
	EUONYMUS ALATUS, WINGED BURNING BUSH	3 GALLON	33	10'-0" TALL 10'-0" WIDE
	CORNUS BAILEYI, BAILEY RED-TWIG DOGWOOD	3 GALLON	33	10'-0" TALL 10'-0" WIDE
	MOCKORANGE PHILADELPHUS 'BUCKLEY'S QUILL', 'BUCKLEY'S QUILL' MOCKORANGE	3 GALLON	11	6'-0" TALL 4'-0" WIDE
	POTENTILLA FRUTICOSA 'ABBOTTWOOD', 'ABBOTTWOOD' POTENTILLA	3 GALLON	70	4'-0" TALL 4'-0" WIDE
	RUDBECKIA HIRTA 'INDIAN SUMMER', 'INDIAN SUMMER' CONEFLOWER	2 GALLON	29	4'-0" TALL 2'-0" WIDE
	CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER', 'KARL FOERSTER' REED GRASS	2 GALLON	12	4'-0" TALL 2'-8" WIDE
	SPIRAEA JAPONICA 'GOLDMOUND', 'GOLDMOUND' SPIRAEA	3 GALLON	8	3'-0" TALL 4'-0" WIDE
	SPIRAEA JAPONICA 'LITTLE PRINCESS', LITTLE PRINCESS SPIRAEA	3 GALLON	70	2'-6"± TALL 2'-6"± WIDE
	LIRIOPE SPICATA, CREEPING LILY TURF	2 GALLON	34	12" TO 15" TALL 7"-0" WIDE
	BERBERIS THUNBERGII var. ATROPURUREA 'CRIMSON PYGMY', 'CRIMSON PYGMY' JAPANESE BARBERRY	3 GALLON	81	1'-0" TO 2'-0" TALL 2'-0" TO 3'-0" WIDE
	HYDROSEED AS NEEDED			
	1 1/2" WASHED RIVER ROCK (PLANTERS BY FRONT OF BUILDING) 4" TO 8" ROCK RIP-RAP (BEHIND WAREHOUSE)			



SEC. 12-T13S-R19E
 CITY OF LAWRENCE
 DOUGLAS COUNTY, KANSAS
 SCALE: 1" = 600'



Lawrence, Kansas
 Overall Site Plan
 November 08, 2013
 Scale: 1" = 100'-0"

B. Ash
 CT10



November 12, 2013

Dear Planning Staff & Planning Commission,

I received the comments on the revised preliminary plat and have put together a response to the comments regarding the revised lot configuration.

I want to explain why this lot shift occurred in the first place. The most influential factor was safety. The stores shipping center was previously located under the overhang along the back of the store and has been moved into the warehouse. This was done because of space issues and a large number of delivery vehicles using space next to areas with pedestrian traffic. The shipping center was moved into the warehouse, further away from the store and pedestrian traffic and into a space more suitable for vehicle traffic. This change required 60 feet to be added to the warehouse to accommodate the new space. Because the city restricted Menards to a 200 foot setback to the north property boundary there was no way to add 60 feet to the old warehouse design and still let traffic in and out. So the warehouse was moved to the north edge of the yard where there is more room for the shipping center. This move also moved the warehouse which has high vehicle traffic away from the garden center which has high pedestrian traffic. The more industrial features of the yard such as lumber, pipe, and other building supplies are to the north. Gardening, landscaping, and decorative products are kept to the east, separating the two uses.

There are a lot of benefits to the new warehouse and yard configuration. Menards reduced the size of the lumber yard therefore reducing the size of our impervious footprint. The warehouse was moved away from the garden center area which generally has the most pedestrian traffic resulting in increased safety. This move will significantly benefit the neighbors to the north as well. The loading dock is now located inside the yard and not visible from their yards or homes. The previous configuration was screened as well as possible but now we have now completely eliminated any potential problems with the neighbors and the loading dock. The previous dock required trucks to drive to the end of the road and back into the truck dock. We all know that when large trucks back up they beep pretty loud for safety reasons, they also sit and idle when the trucks are being unloaded. Now all of that noise takes place behind a significant warehouse and wall buffer. Menards screens the lumber yard with a 14 foot tall fence which does a pretty good job of limiting any sights or sounds from reaching nearby properties but now the neighbors have the warehouse as a buffer which is taller and a more substantial buffer. With the whole lumber warehouse as a buffer, a car could be honking in the yard and the neighbors wouldn't hear a thing. The warehouse also screens any lights that would be visible on the back of the Menards store or in the yard. The view of the back of the store has been completely eliminated and replaced with the rear of the warehouse, which will be made up of treated wood. This should be considered a change that benefits the Menards development and the neighbors to the north.

The change does add to the distance delivery trucks need to travel to get from 31st Street to the loading dock. Menards has run multiple simulations on truck turning programs to ensure that there will not be any potential traffic problems. The trucks can make the new turn without any issue from both the Michigan Street entrance and the Ousdahl entrance. Even with the old plan there was no guarantee that delivery trucks wouldn't try to take the Michigan Street entrance and wind up driving down the frontage road to get to the truck dock anyway. It is important to note that a large majority of the five to eight delivery trucks that stop at the store deliver in the early morning or late night when the store is least crowded. This is by design to ensure that products being delivered are stocked on the shelves as soon as possible but it also means less guest traffic at the store during deliveries.

The revised proposal still adheres to the initial concept that staff and the governing bodies were shown several months ago. There is still only room for one big box user (Menards) and six outlot users. The original site plan that staff and the governing bodies saw had 16 acres of outlot space as part of the development. The revised plan has about 14 acres of developable outlot space, which is slightly less than the original plan. Lot 2 immediately east of the Menards lot did get bigger but not as significantly as the plat would lead you to believe. The plat shows 5.28 acres but with the grades and utilities only about three acres are developable. The parking area of Lot 2 can accommodate about 100 parking spaces and a building about twice as big as the previous configuration allowed. This means the lot went from a small restaurant like a Chili's to a Petco or Dollar Store which is a very small change in the grand scheme of retail space. Additionally not all of the 8.4 acre Snodgrass property will be developable due to the floodplain. At this time only about half of that lot can be converted to commercial space which is significantly less than previously represented. Most of the remainder will stay undeveloped 100 year floodplain. One thing to keep in mind is that none of these lots are developed speculatively. Anyone building on this or any of the other lots would need to have a user under contract and start building within a year to ensure that the building would not become vacant.

I urge you to reconsider the requested changes and allow the current site plan and plat to move forward as they truly are the best configuration. With all things considered this plan has about 3 acres less developable space than the previously reviewed plan. Of the 50 acres Menards is purchasing we are only developing about 30 acres. It is hard to argue that this revised plan will be more harmful than the previous plan when there no change to the amount of developable space and the amount of green space that will be left over is greater than before.

The other issue that has come up is the dedication of the Ousdahl right of way. I question why the city would want more public roads and ROW to maintain especially when it is unnecessary in the first place. Menards eliminating the Ousdahl extension took some burden off of the city and took it into the hands of the private developer. As I understand it the property owner to the west would like to explore their options in developing their property that sits between Menards and Home Depot. It would make sense that the city

would want to dedicate this land back to the owners and resolve two separate issues at once. We understand the need for the public utilities to be in easements and we are very willing to grant those easements but 30 feet of unnecessary ROW dedication seems like a stretch.

Thank you for your consideration and I look forward to meeting with you on the 18th.

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

**PLANNING COMMISSION REPORT
REGULAR AGENDA
PUBLIC HEARING FOR VARIANCE ONLY**

PC Staff Report
10/21/2013

ITEM NO. 3C PRELIMINARY PLAT FOR MENARDS ADDITION; 1900 W 31ST ST & 1352 N 1300 RD (SLD)

PP-13-00338: Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record.

STAFF RECOMMENDATIONS: Variance

1. Approve the variance requested to allow the right-of-way for 31st Street to remain at 50 feet rather than the 75 feet right-of-way requirement in Section 20-810(e)(5) for Principal Arterial Streets.

STAFF RECOMMENDATIONS: Preliminary Plat

Staff recommends approval of the Preliminary Plat of the Menards Addition subject to the following condition.

1. Provision of a revised preliminary plat to show a dedication of an additional 30' of right-of-way and 10' of adjacent easement for Ousdahl Road extended north.

KEY POINTS

- This preliminary plat is for commercial development.
- The primary development is for Lot 1, Block 1 – Menards Store.
- Proposed development includes extension of public streets and infrastructure to serve this property.
- This property abuts W 31st Street, a designated arterial street requiring 150' of right-of-way. This segment of the existing street is constructed with a narrower total right-of-way thus requiring a variance.
- A similar variance was approved in January 2012 for this property when considered for the residential development project known as Aspen Heights.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-810(e)(5)(i) requires 150' of right-of-way for a principal arterial street.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00340; annexation of 8.4 acres
- Z-13-00337; A to CR-FP
- **PP-13-00338; preliminary plat**

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided and accepted.

- *Downstream Sanitary Sewer Analysis* - The DSSA letter dated August 19, 2013 (uploaded to ComDev August 20, 2013) provided by Landplan Engineering, P.A. has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in AP-76.
- *Retail Market Study* – refer to CPA-13-00067 and Z-13-00071. Study provided and accepted with the related rezoning application.

ATTACHMENTS

- Preliminary Plat
- Variance request
- Letter from Daniel Watkins on behalf of First National Development, Ltd.
- Response Letter from Tyler Edwards

PUBLIC COMMENT

- None received to date.

Site Summary				
	Acres		Acres	
Area	50.992	Minimum Lot Area	1.286	(Lot 4, Block 1)
ROW	1.975	Maximum Lot Area	24.492	(Lot 1, Block 1)
Tract A	8.412	Average Lot Area	5.801	
# lots	7			

GENERAL INFORMATION

Current Zoning and Land Use:

CR (Regional Commercial) District; Planned Menards store; existing vacant land, former mobile home park and A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing residential use and pond Lot 2, Block 1.

Surrounding Zoning and Land Use:

To the north

RM12 (Multi-Dwelling Residential), RS7 (Single-Dwelling Residential) and OS (Open Space) Districts along the north side of Lot 1, Block 1 (Menards Site). Existing residential development and Naismith Valley Park.

To the northeast:

OS (Open Space) City Zoning District and A (Agricultural) County Zoning District; Existing open space.

To the West of Ousdahl Road extended:

PD [Home Improvement Residential PRD]; existing open space/detention areas.

To the west of Tract A:

CS (Commercial Strip) District; existing automotive and mini-storage uses.

PD [Home Improvement PCD]; existing Home Depot and commercial out lots.

To the south:

RM15 (Multi-Dwelling Residential) District between Ousdahl Road and Michigna Street. Existing apartment development.

A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; agriculture.

To the south of Tract A:

PD [Home Improvement PCD]. Existing commercial development including Home Depot.

STAFF REVIEW

This property is proposed for non-residential development with a variety of lot sizes. The primary development is intended for Menards (Lot 1, Block 1) with several pad site lots to the south and east. This property is located on the north side of W 31st Street between Ousdahl Road and Michigan Street.

A variance is requested as it relates to the total width of right-of-way for W 31st Street. This segment of W 31st Street Right-of-way between Ousdahl Road and Michigan Street is 124 feet wide. The minimum required width per the Subdivision Regulations is 150 feet. The right-of-way widens west of Michigan Street is 166 feet.

Zoning and Land Use

This property includes both existing and pending CR (Regional Commercial) District. The east lot includes Floodplain Overlay District zoning. The majority of the property is vacant at this time. Lot 2, Block 1 includes an existing residence that will be removed with future improvements to the property as part of this redevelopment.

This development will extend the shared use path between W 31st Street and the Naismith Valley Park connection. The Preliminary Plat shows the path extending north along the west side of Ousdahl Road then east along the north portion of Lot 1, Block 1. The path will be included in public improvement plans for this development and will include work on City Property to the north to complete the connection.

Lot and Block Arrangement

This subdivision extends Ousdahl Road and Michigan Street north to serve this development with an interior public access easement between the two streets north of W 31st Street along the rear of Lots 4-7. The CR District requires a minimum lot area of 20,000 SF and a minimum lot width of 150'. The proposed lot configuration exceeds the minimum area requirements. This design follows a general grid pattern consistent with the development pattern to the west.

Lot 1, Block 1 and Lot 3, Block 1 are designed with public right-of-way that extends north to accommodate a designated turnaround. Each public street connects with the interior east-west public access easement.

Lot 1, Block 1 as designed includes 100' of frontage along Ousdahl Road. When combined with the public access easement along the south frontage exceeds the 150' standard. The lot width along the public access easement is more than 700' wide.

Lot 3, Block 1 includes a total of 70' of frontage along Michigan Street in the southeast corner of the lot. This lot is also designed to provide access from the interior public access easement. The lot width along the access easement is 205.15'. The proposed right-of-way when combined with the public access easement exceeds the 150' requirement.

The design of streets to terminate in this configuration was recommended by staff to limit the amount of public right-of-way required to serve this development. The applicant benefits from this arrangement by gaining more developable land area resulting from minimized building setback

requirements. The City benefits because the total area of public right-of-way to be maintained is minimized.

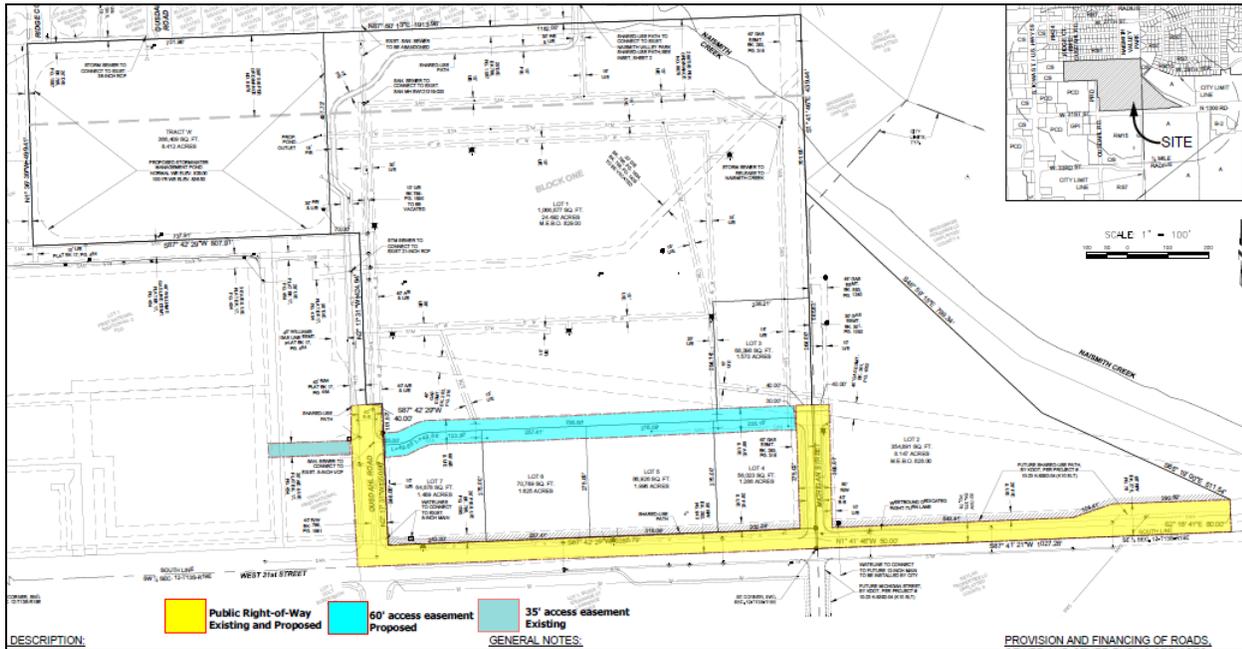


Figure 1: Existing and Proposed Access

Streets and Access

The graphic above highlights the existing and proposed right-of-way that will serve this development.

Direct access to W 31st Street from all lots is prohibited. All access will be provided to proposed lots from an interior circulation that includes public right-of-way and interior access easements.

Ousdahl Road at W 31st Street includes 80' of right-of-way. While 80' wide, it is classified as a local street. Local streets typically only have 60' of right-of-way. This additional width accommodates turn lanes at the intersection. Farther to the north, Ousdahl Road includes only one half of the right-of-way (the west half) dedicated with a Final Plat of First National Addition. The expectation was that the east half of the right-of-way would be dedicated by the property owner upon development of what is today the Menards project.

The Menards Preliminary Plat was originally submitted with 40' of right-of-way (east half) for Ousdahl Road. During the review process it was expressed by staff that this street serves only one development/property. Staff commented that the right-of-way would not be necessary and that the burden of long term maintenance should be the property owners'.

Late in the review process a representative for First National Addition contacted staff to discuss development options for property on the west side of Ousdahl Road. Pending other land use review and approval, access to Ousdahl Road extended would be desirable and potentially serve more than just one property. To protect the interests of both property owners, staff is recommending that the applicant for Menards proceed with the dedication of additional right-of-way. Right of way recommended is 30' (one half of a local street) with an adjacent 10' of easement for utilities.

As noted in the summary the total width of right-of-way for W 31st Street as a principal arterial street is required at 150 feet. The street was designed and constructed with less right-of-way, thus a variance is required.

VARIANCE: Reduce the 150 ft right-of-way requirement in Section 20-810(e)(5) for a Principal Arterial Street to allow the right-of-way for W 31st Street to remain 124' (50' from centerline) for that portion between Ousdahl Road and 593' west of Michigan Street.

Criteria 1. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Applicant Response:

The existing right-of-way for 31st Street in this location is 50 feet wide north of centerline. The regulations would require that the right-of-way be widened to 75'. Generally, the right-of-way for 31st Street in this vicinity is 100 feet wide. The existing right-of-way in this location adequately accommodates a 4-lane street with a center turn lane at the intersection with Ousdahl Road. As a measure to accommodate an extension of the 10-foot wide shared –use path on the north side of 31st Street, this subdivision proposes to dedicate a 20' wide pedestrian and utility easement adjacent to the right-of-way. Strict application of this section of the Subdivision Regulations would unnecessarily remove over half an acre of land from this subdivision for improvements that can be installed within the right-of-way that presently exists.

Criteria 2. The proposed variance is in harmony with the intended purpose of these regulations.

Applicant Response:

The subject property is located adjacent to a stretch of 31st Street that is already full improved to four lanes, with a center turn lane. Combined with the proposed 20-foot pedestrian and utility easement, all existing and proposed improvements can be easily accommodated within this space. It is unlikely that this street will need to be widened significantly in the future.

Criteria 3: The public health, safety, and welfare will be protected.

Applicant Response:

Maintaining the 31st Street right-of-way as it exists will not jeopardize the public health, safety or welfare, nor would increasing its width serve to improve them. 31st Street functions adequately and there are no plans for future improvements on the north side of the roadway which would require additional rights-of-way.

Staff Finding:

W 31st Street is classified as a principal arterial street in the Future Thoroughfares Map. Per Section 20-810(e)(5), 150 feet of right-of-way must be dedicated for arterial streets when platting property. The applicant is requesting a variance from this requirement to allow the right-of-way to remain at 124' with increasing right-of-way along the eastern portion of Lot 2, Block 1.

The property on each side of the street is responsible for dedicating one-half of the required right-of-way; therefore, an additional 25 feet would be required along lots fronting W 31st Street.

The right-of-way width is inconsistent from Iowa Street to Louisiana Street. The street profile is not anticipated to change from its current four-lane configuration. Modifications near Louisiana Street to the east are planned and right-of-way has been acquired for that construction project.

The 150 ft principal arterial standard is more typically applied when new streets are planned in new development areas. Granting the requested variance is not opposed to the purpose and intent of the regulations.

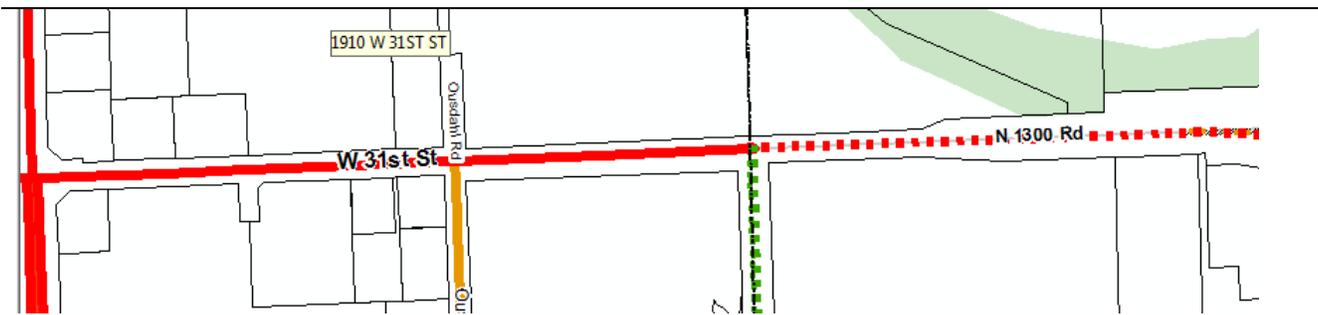


Figure 2: Right-of-way inconsistent for length of Arterial Street.

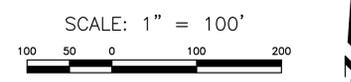
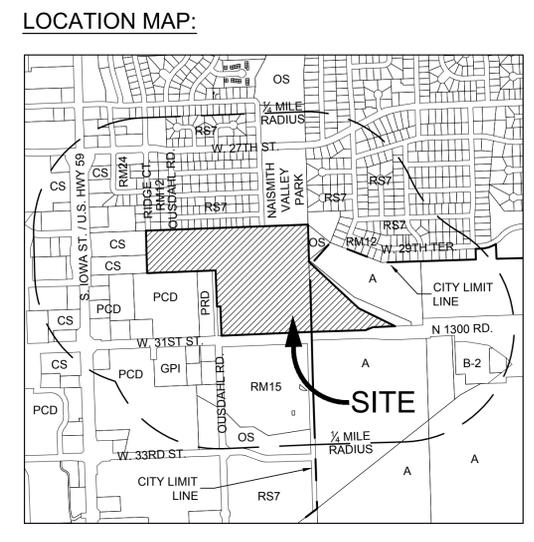
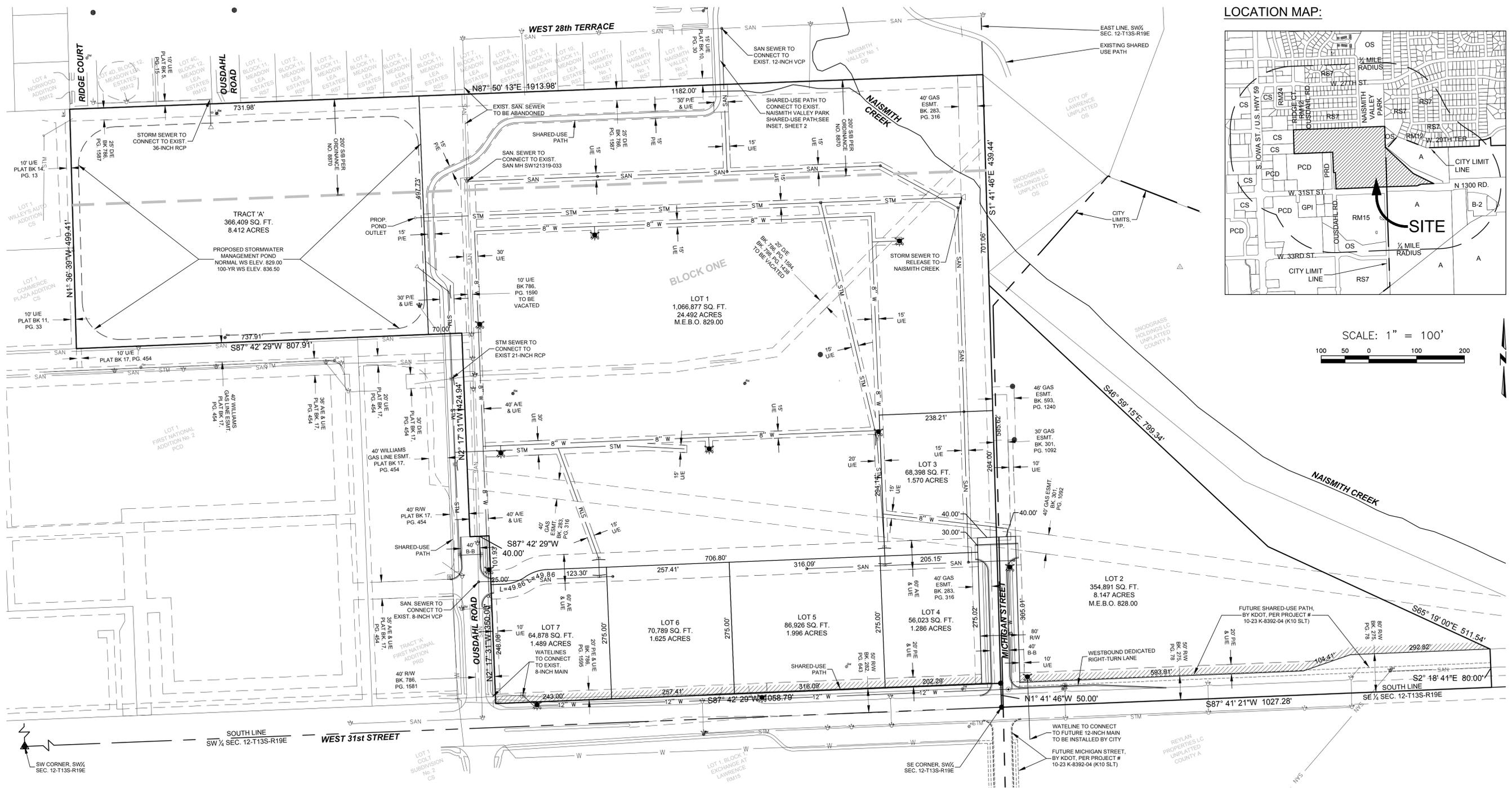
Utilities and Infrastructure

Utilities can be extended to serve this development. The proposed Preliminary Plat includes the necessary easements to accommodate infrastructure needs for the proposed development.

Conformance

The Comprehensive Plan recognizes this area as a future commercial development. The plan also notes that development should provide adequate land use transition between more intense uses and less intense uses. Lot 1, Block 1 includes a 200' area as a designated buffer yard between the commercial development and the residential development to the north.

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO TO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

GENERAL NOTES:

- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC. 10011 WOODEN ROAD EDWARDSVILLE, KANSAS 66111
BRUCE F. & JOAN SNODGRASS 1352 N 1300 ROAD LAWRENCE, KS 66046
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DRIVE LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 167, MAP NUMBER 200450167D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3% SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	88,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	56,023 SF / 1.286 AC
MAXIMUM LOT AREA:	1,066,877 SF / 24.492 AC

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAHL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH LINE LOCATED AT THE NORTHEAST CORNER OF OUSDAHL ROAD AND 31ST STREET.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
 Lawrence, KS • Kansas City, MO • Columbus, OH
 The Woodlands, TX • Farmington Hills, MI

1310 Wakanua Drive
 Lawrence, KS 66044
 Tel: (785) 842-7500
 Fax: (785) 842-2410
 Email: info@landplan-pa.com
 Web: www.landplan-pa.com

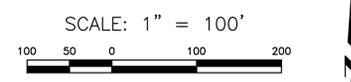
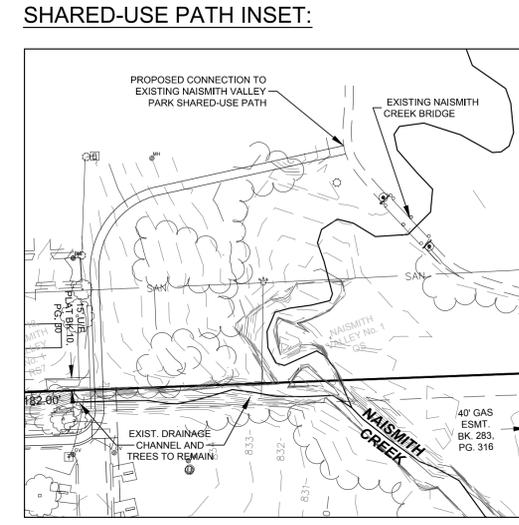
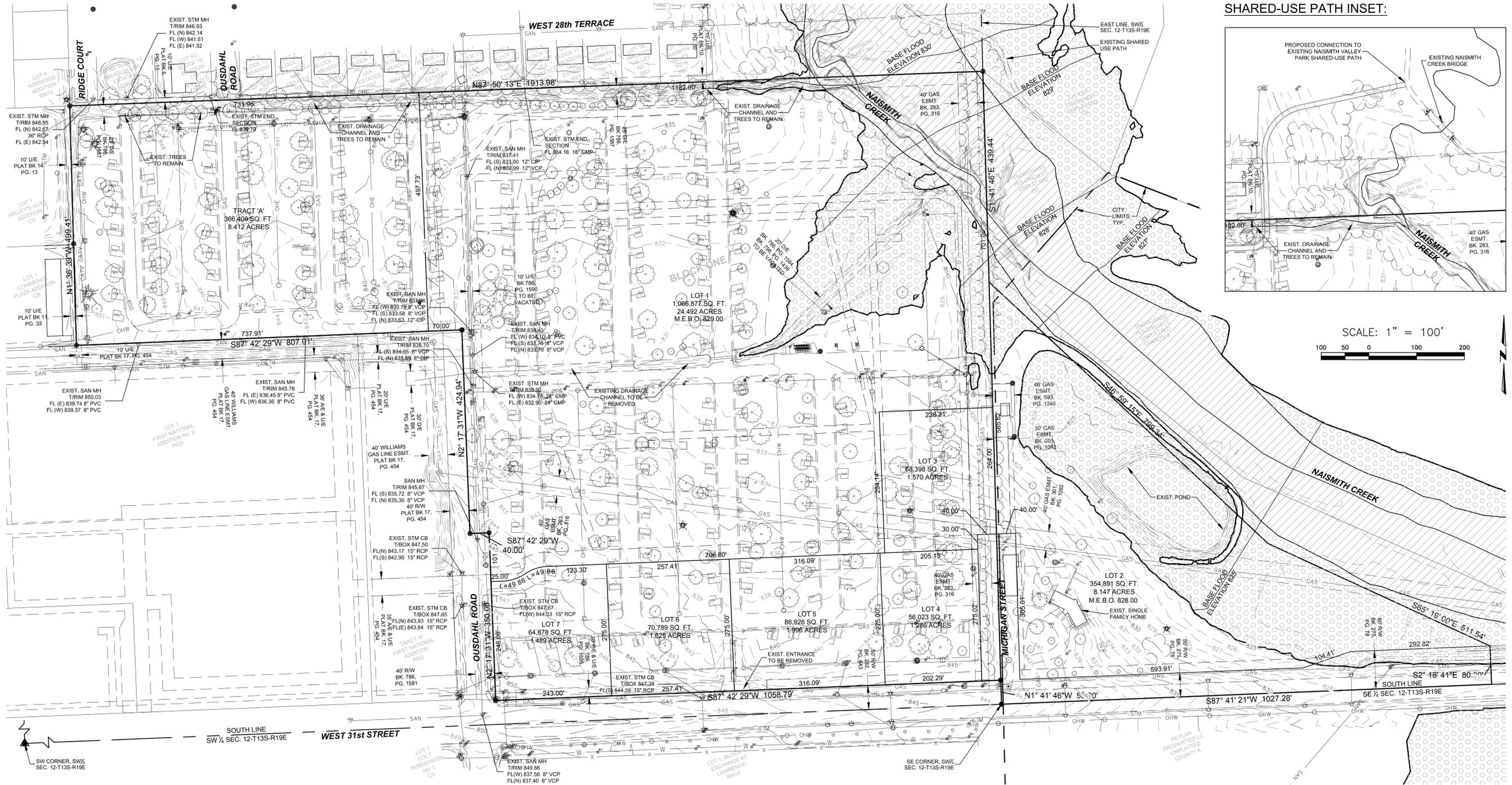
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1900 WEST 31st STREET
LAWRENCE, KS 66046

MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	9/13/2013	PER REPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS



LEGEND:

	FLOODWAY (ZONE AE, PER FEMA FIRM)		EXISTING WATER BLOWOFF
	100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)		EXISTING WATER VALVE
	- 930 - EXISTING TOPOGRAPHIC CONTOUR		EXISTING FIRE HYDRANT
	- W - EXISTING WATER LINE		PROPOSED FIRE HYDRANT
	- W - PROPOSED WATERLINE		EXISTING MANHOLE
	- SAN - EXISTING SANITARY SEWER		EXISTING SANITARY SEWER MANHOLE
	- SAN - PROPOSED SANITARY SEWER		PROPOSED SANITARY SEWER MANHOLE
	- STM - EXISTING STORM SEWER		EXISTING STORM SEWER MANHOLE
	- STM - PROPOSED STORM SEWER		EXISTING AREA DRAIN
	- GAS - EXISTING GAS LINE		PROPOSED STORM SEWER CURB INLET
	- OHW - EXISTING OVERHEAD WIRE		PROPOSED STORM SEWER END SECTION
	- OHE - EXISTING OVERHEAD ELECTRIC		EXISTING GAS VALVE
	- UGE - EXISTING UNDERGROUND ELECTRIC		EXISTING GAS REGULATOR
	- CATV - EXISTING CABLE TELEVISION		EXISTING GASLINE MARKER
	ACCESS PROHIBITED		BENCHMARK

BENCHMARKS:

BM #1	"□" CUT ON NW COR. CONCRETE GAS VAULT ± 79' W. OF E. SECTION LINE & ± 41' N OF E 31ST STREET. ELEV. 845.59
BM#2	"□" CUT ON CENTER FRONT FACE OF CURB INLET LOCATED AT THE SW CORNER OF THE INTERSECTION OUSDAHL AND U STREET ± 200' NORTH ELEV. 847.62
BM#3	"□" CUT ON THE CENTER FRONT FACE OF CURB INLET LOCATED ON THE EAST SIDE OF RIDGE COURT ± 125' NORTH AND 30' EAST OF NW PROP. COR. OF GASLIGHT VILLAGE. ELEV. 848.26
BM#4	"□" CUT ON BACK OF CURB ± 21' EAST OF DRIVEWAY AT 1602 W. 28TH TERRACE ON NORTH SIDE OF ROAD. ELEV. 839.72

Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wagonway Drive
Lawrence, KS 66044-7500
Tel: (785) 842-7500
Fax: (785) 842-7510
Web: www.landplan-pa.com

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

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**1900 WEST 31st STREET
LAWRENCE, KS 66046**

**MENARDS ADDITION
PRELIMINARY PLAT**

REV	DATE	DESCRIPTION
1	9/13/13	PER REPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS



Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

1310 Wakarusa Drive
Lawrence, Kansas 66049

tele 785.843.7530
fax 785.843.2410
email info@landplan-pa.com

September 13, 2013

Sandra L. Day
City/County Planner II
Planning Division
6 E. Sixth Street
Lawrence, Kansas 66044

Re: 1900 W. 31st Street - Request for Variance

Dear Sandy,

On behalf of Menard, Inc., I am requesting a variance from Sec. 20-810(e)(5)(i) of the Subdivision Regulations which specifies a 150-foot right-of-way for all principal arterial streets. The below comments address the criteria for variances as outlined in Sec. 20-813(g)(2):

- i. Strict application of these regulations will create an unnecessary hardship upon the Subdivider.*
The existing right-of-way for 31st Street in this location is 50 feet wide north of centerline. This regulation would require that the right-of-way be widened to 75 feet. Generally, the right-of-way for 31st Street in this vicinity is 100 feet wide. The existing right-of-way in this location adequately accommodates a 4-lane street with a center turn lane at the intersection with Ousdahl Road. As a measure to accommodate an extension of the 10-foot wide shared-use path on the north side of 31st Street, this subdivision proposes to dedicate a 20-foot wide pedestrian and utility easement adjacent to the right-of-way. Strict application of this section of the Subdivision Regulations would unnecessarily remove over half an acre of land from this subdivision for improvements that can be installed within the right-of-way that presently exists.
- ii. The proposed variance is in harmony with the intended purpose of these regulations.*
The subject property is located adjacent to a stretch of 31st Street that is already fully improved to four lanes, with a center turn lane. Combined with the proposed 20-foot pedestrian and utility easement, all existing and proposed improvements can be easily accommodated within this space. It is unlikely that this street will need to be widened significantly in the future.
- iii. The public health, safety and welfare will be protected.*
Maintaining the 31st Street right-of-way as it exists will not jeopardize the public health, safety or welfare, nor would increasing its width serve to improve them. 31st Street functions adequately and there are no plans for future improvements on the north side of the roadway which would require additional rights-of-way.

Please let me know if you have any questions and thank you very much for your consideration.

Sincerely,

Brian Sturm, RLA, ASLA, LEED AP



September 26, 2013

Daniel Watkins
901 New Hampshire St Suite 200
Lawrence, KS 66044

RE: September 25th Letter to the Planning Commission

Dear Mr. Watkins,

After reviewing your 9/25 letter to the Planning Commissioners the simple answer to your request is no Menards will not accommodate your requests. To be quite honest your requests are outlandish and unreasonable.

Menard, Inc. has gone through the public process that every applicant goes through and in several cases gone beyond what is required of applicants to ensure that the process progressed smoothly. It seems that you are implying the City of Lawrence gave Menards some special treatment in our application and development because of what we are allowed to build. Times in Lawrence may have changed but one thing is certain, Menards went through the exact same public process every applicant is legally required to go through and the decisions were made by elected members of the Planning Commission and City Commission.

You are certainly welcome to submit an application to the city to expand the buildings on your property, that is your right as a property owner. However you are responsible for accommodating your own onsite stormwater treatment per city code. Several means of onsite and underground stormwater treatment are available and I encourage you to investigate those further. Your request that Menards take on the burden of your expansion is unacceptable. Menards fully intends to comply with the rules and regulations the City of Lawrence has established in regards to stormwater on our own property. At the present time two drainage channels flow through the property that we are purchasing. We are required to continue to accommodate that drainage and we have planned accordingly. We have also agreed that the flooding problem that occasionally affects the neighbors to the north and the property we are purchasing can be addressed in our site development plans. This arrangement benefits our property as well as the neighbors to the north. Our stormwater tract is not intended to be a new dumping area for the whole neighborhood.

Just as Menards has properly addressed the city laws, rules, and regulations in a legal manner on its own property you too are expected to do the same. You retain the right as a property owner to go through the legal channels and develop your property as you see fit however it should not be expected that Menards will share in your burden developing your property. As for the conditions suggested at the end of your letter, I cannot believe



as a group with experience developing commercial property you would make them and expect a positive result. You essentially asked that not only does Menards handle your entire stormwater burden but we also pay for the whole engineering operation and put money and effort into your physical site development as well.

Anyone involved in the project will tell you we have been very accommodating so far but this request overreaches what is reasonable and we are not willing to allow it.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over the printed name.

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

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044
DANWATKINS@SUNFLOWER.COM

TELEPHONE:
(785) 843-0181

FACSIMILE:
(785) 749-5652

September 25, 2013

Lawrence-Douglas County Metropolitan Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Menard Addition

Dear Commissioners,

On behalf of First National Development, Ltd., I am writing to request certain conditions be placed on approval of the Preliminary Plat and Rezoning Request associated with the proposed Menard store at 1900 W. 31st Street. First National Development developed and owns the property immediately west of the proposed Menard site. That property, collectively known as First National Addition, includes among other businesses, The Home Depot and Best Buy. The site was planned and developed between 1999 and 2003, a time when the City desired to limit commercial development on 31st Street to an area west of Ousdahl.

In addition to bringing Lawrence its first large home improvement store, the development of First National Addition provided other benefits to the South Iowa commercial corridor. The improvements paid for by First National, included:

- Reconstruction and widening of 31st Street from Iowa Street to Ousdahl
- Installation of traffic signals at the primary entrance to Home Depot at 31st Street entrance and at the intersection of 31st Street and Ousdahl Road
- Redevelopment of the parking lot and entrance to the U.S. Post Office

It took about four years for First National Development to work out a plan with City staff, across multiple departments, to ultimately achieve approval for the development that exists today. That planning process, following the recommendations of City staff and desires of Planning and City Commissioners, resulted in the following:

- A 15% reduction in the size of The Home Depot building between the initial proposal and the building which was approved. While the size of the initially proposed store was consistent with other nearby commercial developments, such as Super Target and the former K-Mart, The Home Depot building was downsized from roughly 118,000 S.F. to 99,000 S.F.
- The creation of a 3.2-acre buffer zone, platted as Tract "A," First National Addition. Tract "A" sits between The Home Depot and the former Gaslight Village Mobile Home Park, now the Menard development. Tract "A" was intended, in accordance with Horizon 2020, as a transition between the community commercial center and the existing residential use of the neighboring mobile home park. Tract "A" was Zoned PRD-1 and viewed by

Planning staff and Commissioners as the eastern boundary of commercial zoning along 31st Street.

- The installation of two stormwater detention ponds within the aforementioned Tract “A.” Despite the fact that the City’s Stormwater Engineer approved a drainage study for First National Addition which discharged all runoff directly to the adjacent floodplain, two detention ponds were ultimately required.

Ten years later, the City Commission, with Planning Commission recommendation, has now approved an amendment to the comprehensive plan and a rezoning request submitted by Menard, Inc., which facilitate the development of a new commercial center that will compete aggressively with First National Addition. This approval allows for the construction of a Menard store with nearly double the retail square footage of the neighboring Home Depot and the development of six additional pad sites totaling over 120,000 SF of retail.

This dramatic shift in planning policy and allowed development has direct bearing on First National Addition. There is no longer a need for a transitional buffer zone on the eastern edge of the Addition. With all adjacent property to the First National Addition—north, south, east and west—now zoned Regional Commercial (CR) and PCD-2, there is no longer any purpose for zoning Tract “A” PRD-1. Moreover, considering the fact the Menard preliminary plat proposes conveying the runoff from First National’s Tract “A” into its own large stormwater management pond, the elimination of First National Addition detention ponds is warranted.

First National Development would like to convert the 3.2 acres of obsolete PRD-1 buffer space into viable commercial space which would entail rezoning and replatting this property.

I called Tyler Edwards at Menard on behalf of First National to discuss issues related to complementary zoning of Tract “A” and left a voice message about First National’s desire to work cooperatively on the matter. The indirect response from Menard and Mr. Edwards was made to Planning Staff that Menard was not interested in any adjustments or cooperation which would provide competition to their site.

Given the size of the Menard development, as opposed to the severe limitations on the First National Addition, First National Development believes that certain conditions are warranted on the Menard’s Preliminary Plat which would allow for efficient redevelopment of First National Development Tract “A”¹. Those conditions are:

1. Menard amend its Hydraulic and Hydrologic Study to certify that the stormwater management pond proposed with their preliminary plat is sized to accommodate the stormwater runoff generated by a redeveloped First National Addition. Menard is accommodating the City and adjacent neighborhood stormwater detention and can easily do the same for Tract “A” which is also planned to flow into this detention area;

¹ The nearly 50 acre size of the Menard development dwarfs not only the FND development but three other incremental commercial expansions allowed on South Iowa from 31st to 35th Street over the past two decades including Target, Penneys/Southwind and Kohls/Old Navy. (See attached drawings).

2. Menard amend its Traffic Study to include the additional traffic which could be generated by a redeveloped Tract "A," First National Addition. The infrastructure and signals paid for by First National Development are already in place provide sufficient capacity for additional traffic and provide benefit to the Menard property;
3. Menard amend its Downstream Sanitary Sewer Capacity Analysis to include the additional wastewater generated by a redeveloped Tract "A," First National Addition. Again, the capacity is in place and can be confirmed with minimal engineering expense;
4. Menard incorporate into its preliminary plat the necessary stormwater infrastructure to divert First National Addition stormwater runoff to the large detention pond located within Menard Addition;
5. Menard provide the City with a written agreement to not protest future rezoning request for Tract "A," First National Addition; and,
6. Menard incorporate into their preliminary plat a driveway curb cut on the west side of Ousdahl Road opposite the planned entrance to the Menard store or such other access location recommended by City staff.

We would be glad to discuss the basis for these proposed conditions and their minimal cost and impact on the Menard development as you consider the Menard Addition Preliminary Plat. Drawings with First National Addition's Final Plat identifying Tract "A" in relation to the proposed Menard Preliminary Plat are attached to this letter for your reference. FND Tract "A" is in yellow. Thank you very much for your consideration of this equitable request.

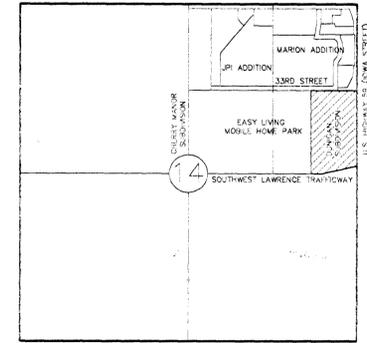
Respectfully yours,



Dan Watkins

cc: P. Dellaportas, P. Watkins

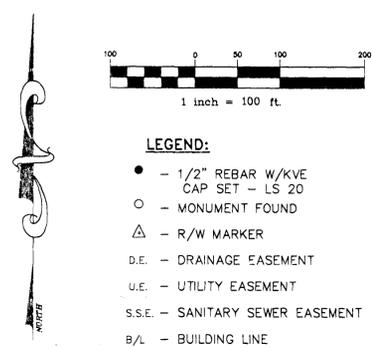
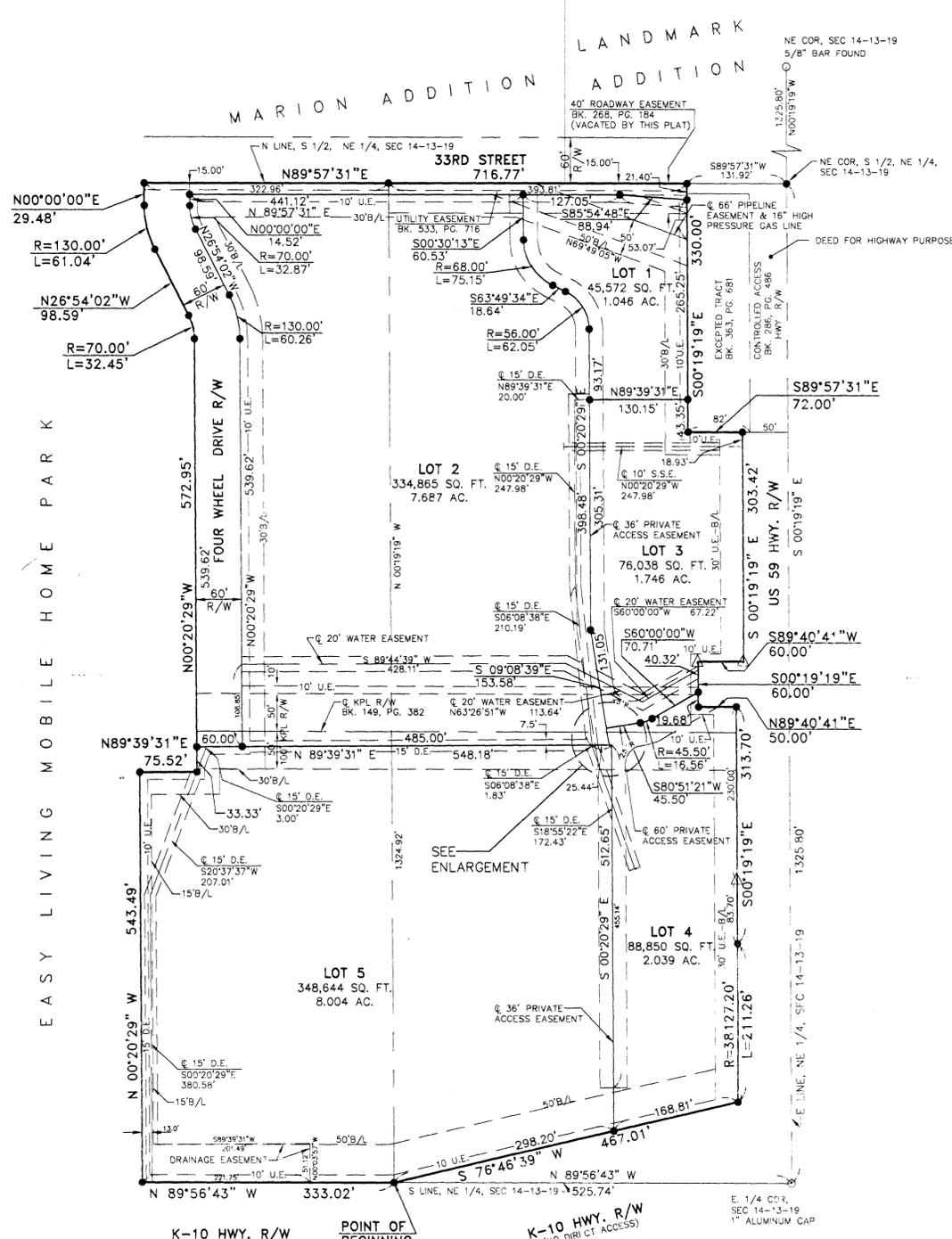
FINAL PLAT OF: "DUNIGAN SUBDIVISION" SEC. 14-13-19, LAWRENCE, DOUGLAS COUNTY, KANSAS



LOCATION MAP:
NE 1/4, SEC. 14-13S-19E
NOT TO SCALE

DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13, RANGE 19, LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE N 89°56'43" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 525.74 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE N 89°56'43" W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 333.02 FEET; THENCE N 00°20'29" W A DISTANCE OF 543.49 FEET; THENCE N 89°39'31" E A DISTANCE OF 75.52 FEET; THENCE N 00°20'29" W A DISTANCE OF 572.95 FEET; THENCE ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 70.00 FEET AND AN ARC DISTANCE OF 32.45 FEET; THENCE N 26°54'02" W A DISTANCE OF 98.59 FEET; THENCE ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 130.00 FEET AND AN ARC DISTANCE OF 61.04 FEET; THENCE N 00°00'00" E A DISTANCE OF 29.48 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID NORTHEAST QUARTER; THENCE S 89°57'31" E ALONG SAID NORTH LINE A DISTANCE OF 716.77 FEET; THENCE S 00°19'19" E A DISTANCE OF 330.00 FEET; THENCE S 89°57'31" E A DISTANCE OF 72.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US 59 HIGHWAY AS IT IS NOW ESTABLISHED; THENCE S 00°19'19" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 303.42 FEET; THENCE S 89°40'41" W CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE S 00°19'19" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE N 89°40'41" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 313.70 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 38,127.20 FEET AND AN ARC DISTANCE OF 211.26 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF K-10 HIGHWAY AS IT IS NOW ESTABLISHED; THENCE S 76°46'39" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 467.01 FEET TO THE POINT OF BEGINNING. CONTAINS 949,767 SQUARE FEET OR 21.804 ACRES MORE OR LESS. END OF DESCRIPTION.



BASIS OF BEARING:
EAST LINE OF THE NORTHEAST QUARTER SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST, ASSUMED S 00° 19' 19" E

SURVEY REFERENCE:
TRACT II:
TITLE INSURANCE COMMITMENT NO. 41065
EFFECTIVE DATE: JULY 11, 1995
DOUGLAS COUNTY TITLE COMPANY
700 MASSACHUSETTS
LAWRENCE, KANSAS 66044

PREPARED FOR:
EASY LIVING INVESTMENTS, LTD.
3323 IOWA STREET
LOT #1
LAWRENCE, KANSAS 66046
34TH STREET INVESTORS L.C.
110 McDONALD, SUITE 190
LAWRENCE, KANSAS 66044

CERTIFICATION
I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRACT.

DEBRA J. HANCOCK, LS-1151
KANSAS SURVEYING, INC.
122 N. W. HIGHWAY
RIVERSIDE, MISSOURI 64150
(816) 587-5033

DEDICATION:
BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "DUNIGAN SUBDIVISION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS AND ROADS, EXCEPT PRIVATE ACCESS EASEMENTS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN STORM DRAINAGE STRUCTURES UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN SANITARY SEWERS UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "SANITARY SEWER EASEMENT" OR "S.S.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN WATER MAINS UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "WATER EASEMENT."

Martin W. Moore MANAGER
Alice Honger MEMBER
MARTIN W. MOORE, MEMBER
ALICE HONGER, Y.P.
34TH STREET INVESTORS, L.C.
EASY LIVING INVESTMENTS, LTD.

ACKNOWLEDGMENT:
STATE OF KANSAS }
COUNTY OF DOUGLAS }

BE IT REMEMBERED THAT ON THIS 24th DAY OF JUNE, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARTIN W. MOORE & ALICE HONGER, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.
Linda Weirick NOTARY PUBLIC
Linda Weirick NOTARY PUBLIC
NOTARY PUBLIC
MY COMMISSION EXPIRES

ENDORSEMENTS:
APPROVED BY LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION DOUGLAS COUNTY, KANSAS
RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY CITY COMMISSION LAWRENCE, KANSAS

Debra J. Hancock CHAIRMAN
John Hollander MAYOR
DATE DATE

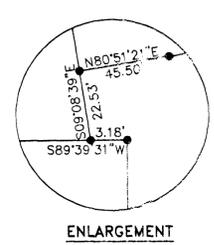
Raymond CITY CLERK
DATE

FILING RECORD:
STATE OF KANSAS }
COUNTY OF DOUGLAS }

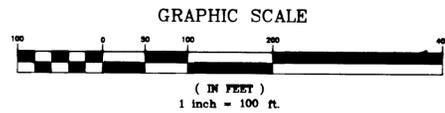
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 24th DAY OF JUNE, 1996, AND IS DULY RECORDED AT 10.00 PLAT BOOK 85 AT PAGE 158.

**FINAL PLAT OF:
"DUNIGAN SUBDIVISION"**

126 th W. 95 th STREET LAWRENCE, KANSAS 66044 (913) 884-1150 FAX (913) 884-5077	KAW VALLEY ENGINEERING	LAWRENCE, MISSOURI (816) 517-5033 FAX (816) 587-3129	PROJ. NO.: 40,044 DATE: 6-21-96 C/D BY: WJB CHECKED BY: [Signature] C.F.N.: 04487 SHEET 1
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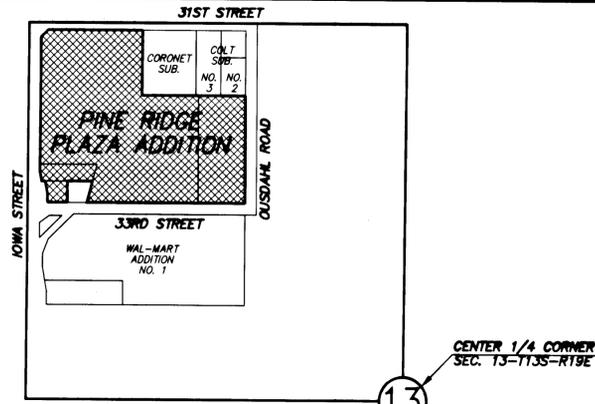


- NOTES:**
- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS IN BOOK 557 AT PAGE 119.
 - LOTS 3 AND 4 SHALL NOT HAVE DIRECT ACCESS TO SOUTH IOWA STREET/US HIGHWAY 59.
 - LOTS 4 AND 5 SHALL NOT HAVE DIRECT ACCESS TO THE SOUTH-WEST LAWRENCE TRAFFICWAY/K-10 HIGHWAY.
 - A CROSS ACCESS EASEMENT SHALL BE PROVIDED FROM THE EXCEPTED TRACT BOOK 363, PAGE 681 TO 33RD STREET AT A LOCATION TO BE DETERMINED BY THE CITY OF LAWRENCE.



NOTES
 ACCESS TO 31ST STREET SHALL BE LIMITED TO TWO LOCATIONS SHOWN.
 STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 607, PAGE 261.
 TRACT 'A' IS HEREBY DEDICATED AS PUBLIC RIGHT-OF-WAY.
 THERE SHALL BE NO DIRECT ACCESS TO IOWA STREET FROM LOT 2 OR LOT 3, OR LOT 4.
 THERE SHALL BE NO DIRECT ACCESS TO 31ST STREET FROM LOT 3.
 THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON THE MODIFIED STATE PLANE COORDINATE SYSTEM, KANSAS ZONE, NAD-83.

Line	Length	Bearing
L1	155.00	N12°20'01"E
L2	175.92	N87°44'45"E
L3	150.00	S02°01'04"E
L4	140.00	S87°44'45"W
L5	60.00	N02°15'15"W
L6	91.49	S12°37'27"E
L7	25.42	S87°44'45"W
L8	67.89	N12°37'27"W
L9	70.88	N42°50'43"E
L10	43.59	N12°20'01"E



LEGAL DESCRIPTION
 A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
 A REPLAT OF LOT 4 OF A FINAL PLAT OF LOTS 4 AND 5 IN ARMSTRONG'S SUBDIVISION NO. 1, A SUBDIVISION IN THE CITY OF LAWRENCE, KANSAS, AND AN ADJACENT TRACT OF LAND EAST OF SAID LOT 4 AND LOTS 5A, 5B AND 5D OF A REPLAT OF LOT 5, ARMSTRONG'S SUBDIVISION NO. 1, TOGETHER WITH A PORTION OF IOWA STREET (U.S. 59 HIGHWAY) RIGHT-OF-WAY, ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE SOUTH 02°00'28" EAST, ALONG THE EAST LINE OF SAID LOT 4, 460.01 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF CORONET SUBDIVISION, A SUBDIVISION IN THE CITY OF LAWRENCE, KANSAS; THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID CORONET SUBDIVISION AND THE SOUTH LINE OF COLT SUBDIVISION NO. 2, A SUBDIVISION IN THE CITY OF LAWRENCE, KANSAS, 730.28 FEET TO THE WEST RIGHT-OF-WAY LINE OF OUSDAHL ROAD; THENCE SOUTH 02°17'30" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 759.83 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 33RD STREET; THENCE SOUTH 87°44'45" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1116.57 FEET TO THE SOUTHWEST CORNER OF SAID LOT 50; THENCE NORTH 12°20'01" EAST, ALONG THE WEST LINE OF SAID LOT 50, 155.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5B; THENCE SOUTH 87°44'45" WEST, ALONG SAID SOUTH LINE, 175.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 5A; THENCE SOUTH 02°01'04" EAST, ALONG THE EAST LINE OF SAID LOT 5A, 150.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 33RD STREET; THENCE SOUTH 02°15'15" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59; THENCE NORTH 02°15'15" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 80.00 FEET; THENCE NORTH 12°37'27" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 91.49 FEET; THENCE SOUTH 87°44'45" WEST, 25.42 FEET; THENCE NORTH 12°37'27" WEST, 67.89 FEET; THENCE NORTH 02°01'04" WEST, ALONG A LINE 85.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID QUARTER SECTION, 851.90 FEET; THENCE NORTH 42°50'43" EAST, 70.88 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE NORTH 87°42'29" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 655.24 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 32.028 ACRES, MORE OR LESS, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

DEDICATION
 BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "PINE RIDGE PLAZA ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STRIPS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E".

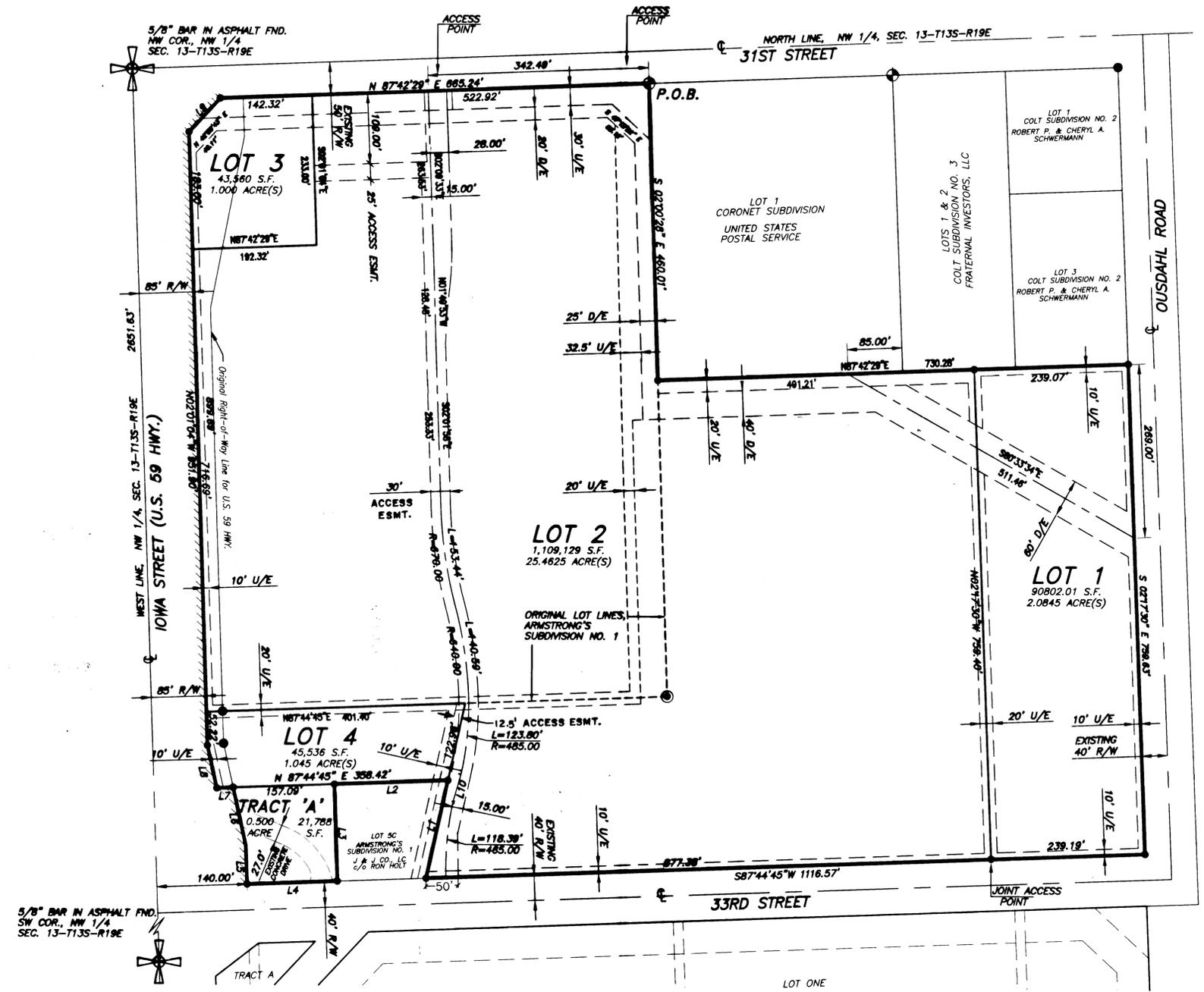
ACKNOWLEDGEMENT
 STATE OF Kansas
 COUNTY OF Douglas
 BE IT REMEMBERED THAT ON THIS 14th DAY OF MAY, 1998, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME TODD THOMPSON, ATTORNEY-IN-FACT FOR MALAN REALTY INVESTORS, INC., WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

ACKNOWLEDGEMENT
 STATE OF Florida
 COUNTY OF Lee
 BE IT REMEMBERED THAT ON THIS 5th DAY OF APRIL, 1998, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME WILLIAM E. SHAW, CEO OF EARL MAY SEED & NURSERY, LC, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

ACKNOWLEDGEMENT
 STATE OF Kansas
 COUNTY OF Douglas
 BE IT REMEMBERED THAT ON THIS 19th DAY OF MAY, 1998, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME BONNIE S. AUGUSTINE, MAYOR OF THE CITY OF LAWRENCE, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

ENDORSEMENTS
 APPROVED BY LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION DOUGLAS COUNTY, KANSAS
 RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY CITY COMMISSION LAWRENCE, KANSAS

CERTIFICATION
 I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION. THIS PLAT IS A CLOSED TRAVERSE.
 FIELD WORK CONDUCTED ON JULY 16, 1997. PLAT PREPARED JULY 21, 1997.
 KEVIN EATON R.L.S. #1117
 P.O. BOX 3036
 LAWRENCE, KANSAS 66044
 (913) 838-3338



A FINAL PLAT OF PINE RIDGE PLAZA ADDITION

A REPLAT OF LOT 4 OF A FINAL PLAT OF LOTS 4 AND 5 IN ARMSTRONG'S SUBDIVISION NO. 1; AND AN ADJACENT TRACT OF LAND; AND LOTS 5A, 5B, & 5D OF A REPLAT OF LOT 5, ARMSTRONG'S SUBDIVISION NO. 1; AND A PORTION OF IOWA STREET (U.S. 59 HIGHWAY) RIGHT-OF-WAY), IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS
 NW 1/4, SEC. 13-T13S-R19E

- MONUMENTATION**
- 1/2" BAR FOUND
 - ⊙ 3/4" BAR FOUND
 - ⊕ 1" BAR FOUND
 - 1/2" BAR SET



NOTES

- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 526, PAGE 7069.
- THIS PLAT IS SUBJECT TO THE STORM DRAINAGE EASEMENT AND AGREEMENT WITH THE ADJOINING COTTONWOOD PROPERTY AND IS RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS AS FOUND IN BOOK , PAGE .
- THIS PLAT IS SUBJECT TO THE PUBLIC ACCESS TO MARKS TRACT AND NIEDER ROAD (REVERSE FRONTAGE ROAD) AGREEMENT RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS, AS FOUND IN BOOK , PAGE .
- TRACT 'A' IS SUBJECT TO SIGN VARIANCE AGREEMENT DATED APRIL 13, 1994.
- WILLIAMS NATURAL GAS EASEMENT IN SOUTHWEST CORNER OF LOT 1, BLOCK 2 TO BE RELOCATED PER AGREEMENT WITH WILLIAMS NATURAL GAS COMPANY.
- THERE SHALL BE NO ACCESS TO US 59 HIGHWAY (IOWA STREET) FROM LOT 1, BLOCK 1, OR TRACT 'A'.

ACKNOWLEDGEMENT

STATE OF Minnesota
 COUNTY OF Hennepin

BE IT REMEMBERED THAT ON THIS 18th DAY OF October, 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME William E. Harter and William P. Hise WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

Lucy Miller
 NOTARY PUBLIC

12-15-94
 MY COMMISSION EXPIRES

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13'SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF HARWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, KANSAS; THENCE SOUTH 02°01'04" EAST ALONG THE WEST LINE OF SAID LOT 2, 282.00 FEET; THENCE SOUTH 03°12'35" WEST, 164.64 FEET; THENCE NORTH 88°09'19" EAST, 235.00 FEET; THENCE SOUTH 02°01'04" EAST, 9.00 FEET; THENCE NORTH 88°09'19" EAST, 247.00 FEET; THENCE SOUTH 02°01'04" EAST, 560.79 FEET TO THE EASTERN EXTENSION OF THE NORTH LINE OF LANDMARK ADDITION, AN ADDITION IN THE CITY OF LAWRENCE, KANSAS; THENCE SOUTH 88°15'10" WEST ALONG THE NORTH LINE AND ITS EASTERN EXTENSION OF SAID LANDMARK ADDITION, 247.00 FEET TO THE NORTHWEST CORNER OF SAID LANDMARK ADDITION; THENCE SOUTH 02°01'06" EAST ALONG THE WEST LINE OF SAID LANDMARK ADDITION, 279.93 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°15'10" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION, 1014.58 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 01°56'27" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION, 847.58 FEET; THENCE NORTH 88°09'19" EAST, 698.12 FEET; THENCE NORTH 03°12'35" EAST, 168.06 FEET; THENCE NORTH 02°01'04" WEST, 258.59 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE NORTH 88°09'19" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 31ST STREET, 80.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 23.713 ACRES, MORE OR LESS, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "MARION ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E."

DAYTON HUDSON CORPORATION

BY *William E. Harter* William E. Harter, Vice President
 Attest: *William P. Hise* William P. Hise, Asst. Secretary

Mary F. Ruscha MARY F. RUSCHA, TRUSTEE
 OF THE MARY F. RUSCHA REVOCABLE TRUST DATED DECEMBER 19, 1991

ACKNOWLEDGEMENT

STATE OF
 COUNTY OF

BE IT REMEMBERED THAT ON THIS 21st DAY OF Sept., 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARY F. RUSCHA WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

Patricia H. Steward
 NOTARY PUBLIC

June 7, 1997
 MY COMMISSION EXPIRES

ENDORSEMENTS

APPROVED BY
 LAWRENCE-DOUGLAS COUNTY
 PLANNING COMMISSION
 DOUGLAS COUNTY, KANSAS

RIGHTS-OF-WAY AND EASEMENTS
 ACCEPTED BY
 CITY COMMISSION
 LAWRENCE, KANSAS

Barbara Flory BARBARA FLORY, CHAIRMAN
 DATE

F. Jolene Andersen F. JOLENE ANDERSEN, MAYOR
 DATE

Raymond J. Hummert RAYMOND J. HUMMERT, CITY CLERK
 DATE

FILING RECORD NO. 75638
 INDEX
 NUMERICAL INDEX

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 2nd DAY OF December, 1994 AND IS DULY RECORDED AT 2:51 pm; PLAT BOOK P-15 PAGE 657.

Sue Neustifter
 REGISTER OF DEEDS
 SUE NEUSTIFTER

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRAVERSE.

PLAT PREPARED APRIL 18, 1994

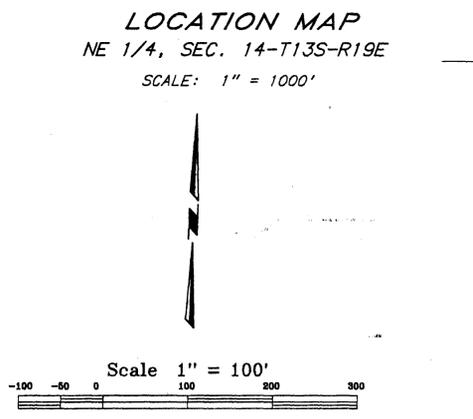
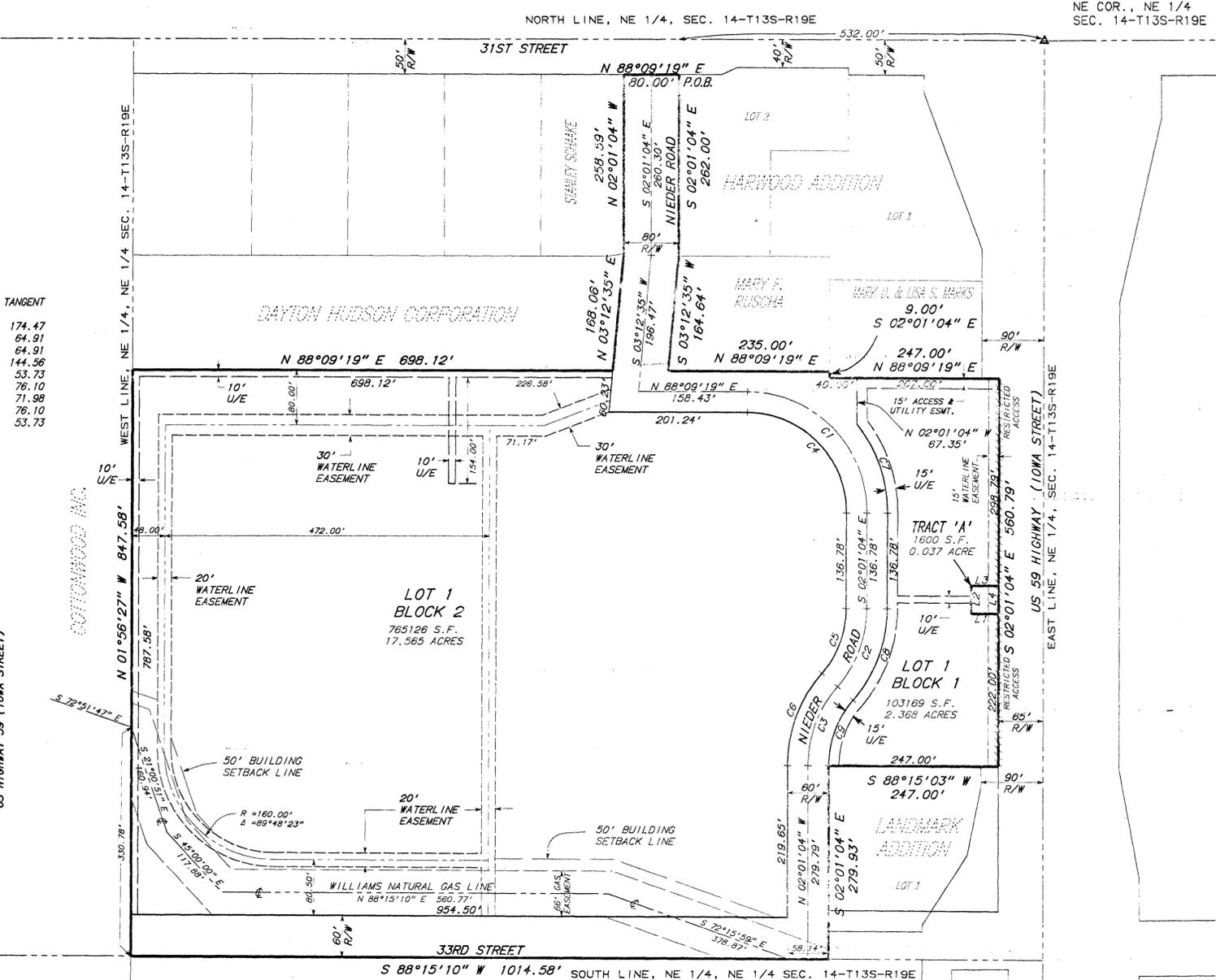
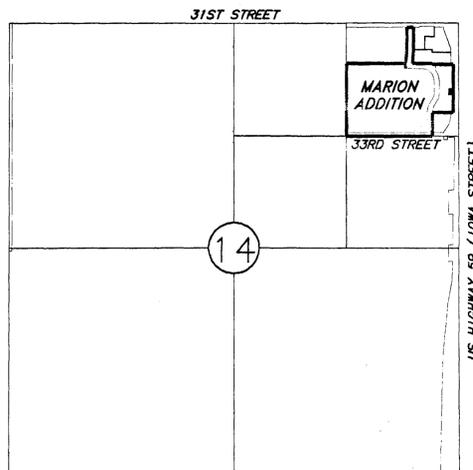
JOHN E. SUE, REGISTER OF DEEDS, L.S. #610
 1310 WAKARUSA DRIVE
 LAWRENCE, KANSAS 66049
 (913) 843-7530

LINE TABLE

NAME	BEARING	DISTANCE
L1	N 87°58'56" E	40.00
L2	N 02°01'04" W	40.00
L3	N 87°58'56" E	40.00
L4	N 02°01'04" W	40.00

CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	TANGENT
C1	89°49'37"	175.00	274.36	S 46°55'52" E	247.11	174.47
C2	40°53'54"	174.09	124.27	N 18°25'53" E	121.65	64.91
C3	40°53'54"	174.09	124.27	S 18°25'53" W	121.65	64.91
C4	89°49'37"	145.00	227.33	S 46°55'52" E	204.75	144.56
C5	40°53'54"	144.09	102.85	N 18°25'53" E	100.68	53.73
C6	40°53'54"	204.09	145.68	S 18°25'53" W	142.61	76.10
C7	38°41'47"	205.00	138.45	S 21°21'57" E	135.84	71.98
C8	40°53'54"	204.09	145.68	S 18°25'53" W	142.61	76.10
C9	40°53'54"	144.09	102.85	N 18°25'53" E	100.68	53.73



A FINAL PLAT OF
MARION ADDITION
 A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS
 NE 1/4, SEC. 14-T13S-R19E

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

October 16, 2013

Lawrence-Douglas County Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Conditions of Menard's Preliminary Plat

Dear Commissioners,

On behalf of First National Development, Ltd.,(FND) with this letter I would like to revise the requested conditions to the Menard's Inc. Preliminary Plat, as proposed in my September 25, 2013 letter to the Commissioners. After reviewing the proposed conditions and discussing planning policy with City staff, FND has agreed to withdrawal requested conditions numbered 1, 2, 3, 5, and 6. However, FND respectfully requests that the Planning Commission consider proposed condition No. 4. That condition would ensure that Menard's Inc. consider and incorporate sufficient stormwater infrastructure for the development of Tract "A".

Stormwater on the FND property is currently collected in the detention ponds located on Tract "A" and channeled by City easement to the creek situated in lower elevations to the north and west of the FND site. The stormwater plan in the Menard Inc. Preliminary Plat diverts this channeled water into Menard's new detention pond, located immediately to the north of Tract "A". Accordingly, the Menard Inc. Preliminary Plat already plans to accommodate the stormwater from the FND property by diverting it through the stormwater pipes it must install in any event. The proposed condition would simply require Menard, Inc. to properly size the pipe to accommodate FND's stormwater, without detention on the FND site. Because FND is otherwise limited in its stormwater options due to the location of the Menard, Inc. site, this proposed condition is the most efficient process for avoiding future undue hardship to either Menard Inc. or FND.

While FND respects the recommendation and policies of the planning staff, it also acknowledges that the competitive advantage to be gained by Menard's is the result of a change in these policies. This equitable resolution would simply allow FND the same opportunity for development that Menard's would receive with the approval of its preliminary plat.

Respectfully yours,



Dan Watkins

cc: T. Edwards, P. Dellaportas