

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
8/24/2015

**ITEM NO. 2B RS10 TO OS; 6.07 ACRES; SE CORNER SLT & US-59 HWY (JSC)**

**Z-15-00328:** Consider a request to rezone approximately 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the South Lawrence Trafficway and US-59. Submitted by Landplan Engineering P.A. on behalf of Armstrong Management L.C. and Grisham Management L.C., property owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space), located at the southeast corner of the South Lawrence Trafficway and US-59 Highway based on the findings presented in this staff report, and forwarding it to the City Commission with a recommendation for approval, subject to the following condition:

1. The following uses shall be prohibited:
  - a. Public and Civic Use Groups:
    - i. Community Facilities; Cemetery, Cultural Center/Library and Funeral and Interment, Utility Minor, and Utility Major
    - ii. Recreation Facilities; Active Recreation and Entertainment & Spectator Sports, Limited
  - b. Commercial Use Groups:
    - i. Transient Accommodation; Campground
    - ii. Parking; Accessory Parking
  - c. Other Use Groups
    - i. Communication Facilities; Amateur & Receive-Only Antennas, Telecommunications Antenna, Telecommunications Tower and Satellite Dish
    - ii. Recycling Facilities; Small Collection Recycling Facilities

**Reason for Request:**

This rezoning request is part of a package of development applications, including a commercial zoning request and a comprehensive plan amendment that proposes retail/commercial center development at this location.

**KEY POINTS**

- Property includes areas encumbered by regulatory floodplain.
- This designation would provide a more substantial buffer for the Wakarusa River riparian areas from the proposed commercial development.
- Automatic designation as –FP (Floodplain) is not applicable as this property is currently within the City of Lawrence.

## ASSOCIATED CASES/OTHER ACTION REQUIRED

**CPA-15-00335:** Consider a Comprehensive Plan Amendment to *Horizon 2020* Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and to Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from open space and auto-related commercial uses to open space and commercial use at the southeast corner of the intersection of South Lawrence Trafficway and US-59. Submitted by Landplan Engineering, P.A. for Armstrong Management L.C. and Grisham Management L.C., owners of record.

**Z-15-00327:** Consider a request to rezone approximately 59.8 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, located at the southeast corner of the South Lawrence Trafficway and US-59. Submitted by Landplan Engineering P.A., on behalf of Armstrong Management L.C. and Grisham Management L.C., property owners of record.

## PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to request

| Rezoning Requests      |                |       |
|------------------------|----------------|-------|
| Zoning                 |                | Acres |
| OS Zoning (Z-15-00328) |                | 6.07  |
| CR Zoning (Z-15-00327) |                |       |
| -                      | Right of Way   | 28.82 |
| -                      | Private Parcel | 30.98 |
| Total                  |                | 66.50 |

**Note regarding development study requirements:** Traffic study, drainage study, and sanitary sewer studies have been discussed with the applicant. These studies will be provided with the submission of a preliminary plat and will be considered throughout the development process as the details of the project are defined. Floodplain Development Permits will also be required for structures constructed in the regulatory floodplain.

## PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

General inquiries from public regarding scope of development requests. Staff has clarified for callers that the current requests are for the Comprehensive Plan Amendment and zoning. A concept plan has been submitted with the development package. Specific development proposals are not available at this time.

### Project Summary:

The proposed request is for the southern portion of the development known as Southpoint Center. This area of the development has the most substantial encumbrance of floodplain within the immediate area. The map to the right shows the various applications and intended zoning districts associated with this project.



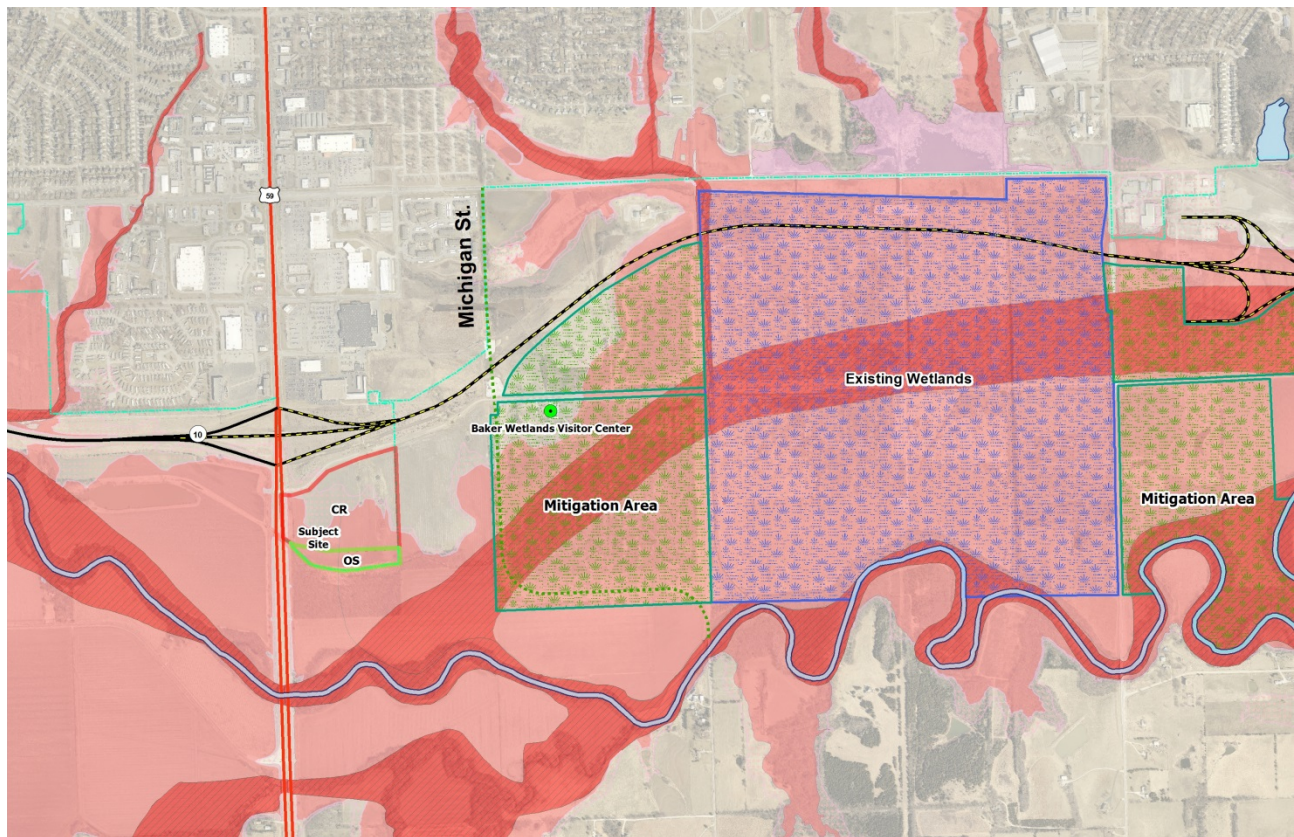


Figure 1: Subject Property with Wakarusa Floodplains

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request conforms to the land use recommendations of the Revised Southern Development Plan (incorporated into H2020 as part of Chapter 14) as well as key strategies in Chapter 9 of H2020 by reserving land encumbered by floodplain for open space land uses.*

A key feature of the Comprehensive Plan (*Horizon 2020*, Chapter 3) states: *The plan recommends the protection and preservation of the extensive floodplains and riparian ways throughout the planning areas. These resources often are a constraint to urban development.*

The Wakarusa River, and its attendant floodplain, establishes a southern boundary for development of the current urban area for the City of Lawrence. The subject property is located between the boundary of the South Lawrence Trafficway (K-10 Highway) and the Wakarusa River. Development south of the Wakarusa River at this time would be considered leapfrog development, which is not supported by the Comprehensive Plan.

The proposed OS zoning designation would protect the floodplain and establish a buffer between the proposed commercial rezoning (Z-15-00327) and the Wakarusa River. A map of the wetlands mitigation areas related to the South Lawrence Trafficway project is attached to this report.

### ***Horizon 2020: Chapter 9 Parks, Recreation, Open Space Areas and Facilities:***

Chapter 9 of *Horizon 2020* lists several key strategies that are applicable to the proposed development and supports the proposed request.

**STRATEGIES: PARK, RECREATION, OPEN SPACE AREAS AND FACILITIES**

*The principal strategies for the development and maintenance of park, recreation, and open space areas and facilities are:*

- *Continue to develop and improve the community's park, recreation, and open space system, building upon the existing system and integrating recommendations and direction from the PRCMP, this Comprehensive Plan, and relevant area and neighborhood plans.*
- *Preserve, protect and utilize natural and environmental features as focal points for new development areas and to the extent possible, new parks and recreational facilities should extend and enhance the existing and/or future open space system.*
- *Coordinate parks, recreation, and open space planning and development between the City of Lawrence and unincorporated Douglas County to provide overlapping and connecting park and recreation opportunities. Additionally, the City and County should more carefully coordinate park and open space acquisition in the Lawrence Urban Growth Area.*
- *Development of the park, recreation, and open space system for the City of Lawrence should be based on priorities contained within the PRCMP.*
- *Improve coordinated planning efforts between the Park and Recreation Department/Advisory Board and the Lawrence/Douglas County Metropolitan Planning Office/Commission in recommendations involving the location and features of future park, recreation, and open space sites.*
- *Develop a communication network between all city and county departments, the partners who aide in parks and recreation, and the community to increase awareness, understanding, and advocacy.*
- *Create a better understanding and support of operational costs and funding with key city and county leaders during the design of all capital projects to ensure the operational and maintenance dollars are available prior to construction.*
- *Develop regional parks that create a strong sense of community pride and livability.*
- *Coordinate with private property owners to provide additional opportunities for open space preservation beyond publicly owned parks, such as, through agricultural use, land trusts, buffers, and easements.*

*P. 9-2, Horizon 2020*

Chapter 9 predominantly focuses on public parks. Open space preservation can occur within a park, as well as through private designations such as the OS zoning the applicant is proposing with this application.

The South Lawrence Trafficway project includes many connecting links for non-motorized access (bike lanes, bike routes, and recreation paths) that will extend the network east of US-59. As development plans become defined in this proposed location, additional links and connections



between the proposed open space area and the existing/planned open space areas to the east can become viable. Approval of this request will facilitate these interests.

Chapter 16 of *Horizon 2020* addresses several natural environment issues including water resource management. The plan states that floodplain areas should be protected. This application does not include a Floodplain Overlay District designation that would be applied to the entire property if it was being annexed into the City of Lawrence as part of this process.

**Staff Finding:** The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space, as well as floodplain.

## **2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING**

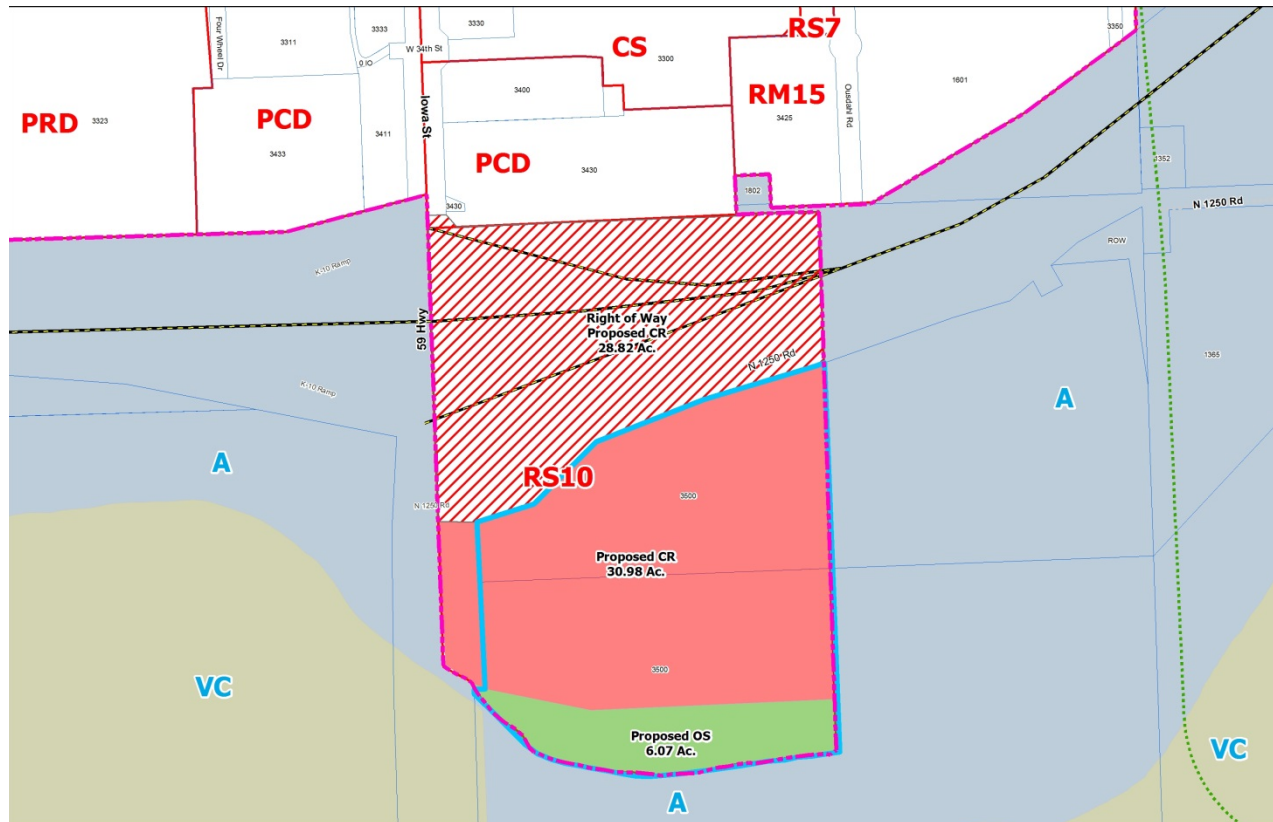
Current Zoning and Land Use: RS10 (Single-Dwelling Residential – 10,000 square feet); existing agricultural.

Surrounding Zoning and Land Use: To the north:  
Proposed CR (Community Regional) District. Existing use is agricultural. See Z-15-00327 regarding proposed zoning.

To the east (east side of future Michigan Street):  
A (County-Agricultural), VC (Valley Channel) Districts; Wetlands Mitigation Areas/ Baker Wetlands, and Baker Wetlands Visitor Center Complex (SUP-12-00248).

To the west (west side of US-59):  
A (County-Agricultural), VC (Valley Channel), and FW – FF (County Floodway and Floodway Fringe Overlay) Districts. Existing agricultural.

To the south:  
A (County-Agricultural), VC (Valley Channel) District and FW –FF (County Floodway and Floodway Fringe Overlay) District. Existing agricultural use.



**Figure 2: Proposed and Existing Zonings**

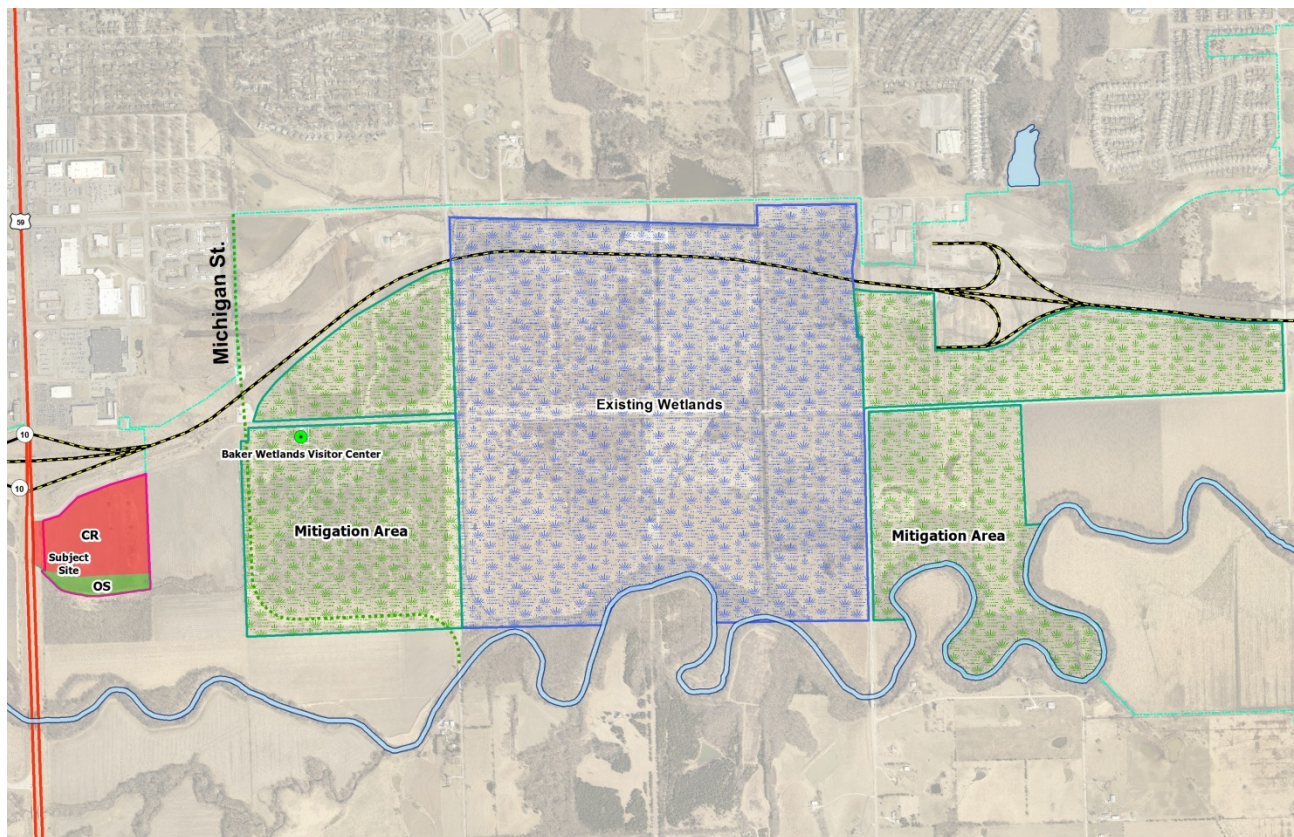
**Staff Finding:** Nearby properties are zoned V-C (Valley Channel) and A (Agricultural) with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts. Agriculture and natural open space are the principal land uses in the vicinity.

### 3. CHARACTER OF THE NEIGHBORHOOD

*Applicant's Response: The subject property lies at the southeast corner of the interchange between Kansas Highway 10, a.k.a. the South Lawrence Trafficway, or SLT, and U.S. Highway 59, a.k.a. S. Iowa Street. The property is bounded to the north by N 1250 Road and SLT right-of-way. The property is bounded to the west by Hwy 59 right-of-way. Nearby properties to the west and south are generally located within the Wakarusa River floodplain and are actively farmed. The property to the east is agricultural land under the same ownership as the subject property. Further east rests the Baker Wetlands.*

The subject property is located within the City of Lawrence. This is a rural area with agriculture and open space being the primary land uses. Natural features in the area include the Wakarusa River, south of the subject property; riparian woodlands along the Wakarusa River; floodplain; and wetlands. A major thoroughfare, the South Lawrence Trafficway, is under construction north of the subject site.

A dominating feature in the area is the Baker Wetlands and the Baker Wetlands Visitor Center to the east of the proposed project area.



**Figure 3: Existing and Proposed Wetlands as part of the South Lawrence Trafficway Construction Project**

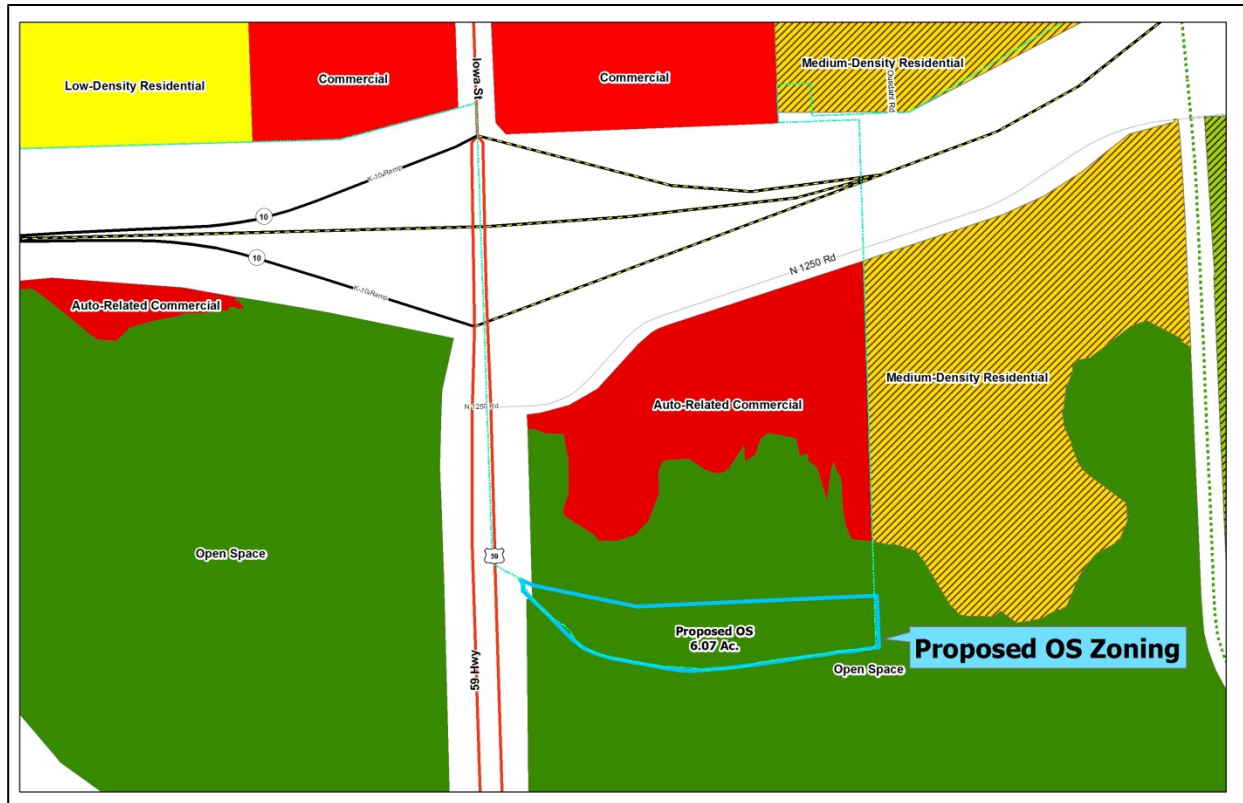
**Staff Finding:** The area contains primarily natural open space and agricultural land uses. The subject property is located adjacent to a major transportation corridor within the Lawrence Urban Growth Area. There are no specific established neighborhoods in this area. The proposed Open Space zoning is consistent with the planned land use for the area in the *Revised Southern Development Plan* regardless of any additional consideration of the proposed commercial development to the north.

#### **4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY**

This property is included within the plan boundary of the *Revised Southern Development Plan*. An application for a Comprehensive Plan Amendment (CPA-15-00335) was concurrently submitted with the commercial rezoning (Z-15-00327) and this application. The proposed changes do not impact the approved open space recommendations included in the *Revised Southern Development Plan*. This proposed request for Open Space District can be independently evaluated from the commercial request.

The plan identifies existing floodplain areas as appropriate for open space designation. This plan identifies the area along the Wakarusa River and associated floodplain as suitable for open space uses. The proposed request is consistent with recommended land use noted in the *Revised Southern Development Plan*, though at a reduced area than what the plan designates. This OS zoning will implement the land use recommendations of the *Revised Southern Development Plan*.





**Figure 4: Revised Southern Development Plan: Future Land Use Map**

There is a difference in the terminology for “open space” between the Land Development Code and the *Revised Southern Development Plan*. The zoning designation of open space in the Land Development Code as, “The OS, Open Space District, is a Special Purpose Base District intended to preserve and enhance major Open Space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities.” (Section 20-218) The Land Development Code does permit for development to occur within the regulatory floodplains, subject to review and approval to all applicable codes. While within the *Revised Southern Development Plan*, the open space designation is intended to, “Encourage recreational uses that do not alter the natural character of the area,” and, “Encourage preservation of the floodplain or open space through private or public/private partnerships.” The plan also, “Encourage(s) connection between public lands and bicycle/pedestrian trails along the South Lawrence Trafficway (SLT).”

While differing intended purposes exist between the policies of the *Revised Southern Development Plan* versus the Land Development Code, both the Open Space zoning and Open Space sector plan designation work to protect sensitive lands, but have differing end results. Therefore, while a portion of land may be indicated as Open Space within the *Revised Southern Development Plan*, it does not prevent development from occurring under the Land Development Code.

**Staff Finding:** The proposed OS rezoning conforms to land use recommendations in the *Revised Southern Development Plan*. This land use recommendation is not altered by the proposed Comprehensive Plan Amendment (CPA-15-00335) associated with this project.



## 5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The subject property is currently zoned RS10, due to the past practice of automatically applying low density residential zoning to land upon annexation as a temporary zoning measure. The subject property is located entirely within regulatory floodplain and accordingly H2020 recommends open space uses for this area. Given those facts, the suitability of the subject property for low-density residential land uses under the existing RS10 zoning district is quite low.*

Prior to 2006, this property was zoned RS-1. In 1979, as properties were annexed into the City Limits, the RS-1 district was commonly used as a holding zone. In 2006, a new zoning district was developed for this purpose titled UR (Urban Reserve). The proposed OS zoning accommodates the anticipated land use as an open space and facilitates the protection of floodplain areas.

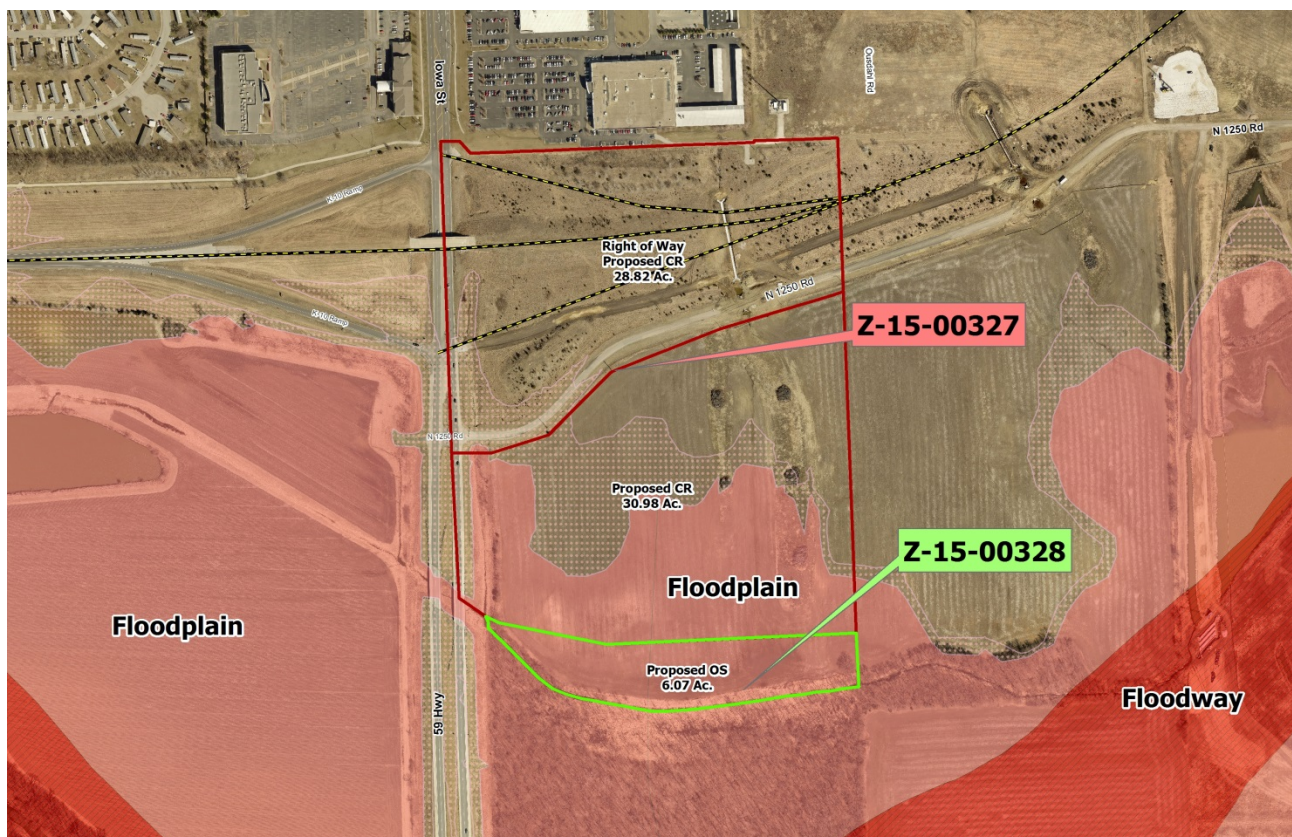


Figure 5: Proposed OS Rezoning in relation to FEMA Flood Maps

**Staff Finding:** The current RS10 zoning is no longer appropriate for the existing use. The proposed OS District accommodates the anticipated continued use as open space and provides protections by limiting uses within the designated floodplain in this area.

## 6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *The subject property has remained vacant since annexed into the City limits in 1979.*

This portion of the property was annexed by Ordinance No. 5026 in 1979. At that time, when county properties were annexed into the City of Lawrence, a zoning designation of RS-1 was applied automatically. The RS-1 zoning was subsequently converted to RS10 with the adoption of the Land Development code in 2006.

**Staff Finding:** Since 1966, the property has been undeveloped. The proposed location was zoned RS-1 in 1979, and was converted to RS10 with the adoption of the Land Development Code in 2006.

## 7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Approval of this rezoning will provide tangible benefits to nearby properties. This request will facilitate the preservation of low-lying riparian woodlands located immediately upstream from the Baker Wetlands. Rezoning this ground from RS10 to OS ensures low impact use of this area.*

Nearby properties include the Baker Wetlands Visitor Center and Baker Wetlands to the east, agricultural land to the south and the US-59 right-of-way to the immediate west. Commercial development is proposed to the north. The OS zoning district includes a limited number of uses and is generally considered low-impact. *Community Facilities, Utilities, Recreational Facilities, Campgrounds,* and *Communication Facilities* are allowed uses in the OS district. Some of these uses are allowed by right, and some require a Special Use Permit such as a cell tower, campground, some utilities, recreation facilities, and community facilities. Uses included in these groups are Cultural Center/Library, Active Recreation, Entertainment & Spector Sports, Limited, and Campground. A complete list of uses is found in Article 4 of the Land Development Code, and these uses are specifically defined in Article 17.

### Uses listed in Section 20-404:

- Public and Civic Use Groups:
  - Community Facilities,
    - Cemetery
    - Cultural Center/Library
  - Funeral and Interment
  - Recreation Facilities
    - Active Recreation
    - Entertainment & Spectator Sports, Limited
- Commercial Use Groups
  - Transient Accommodation
    - Campground
- Other Use Groups
  - Communication Facilities
    - Amateur & Receive-Only Antennas
    - Telecommunications Antenna
    - Telecommunications Tower
    - Satellite Dish
  - Recycling Facilities
    - Small Collection Recycling Facilities

The applicant has expressed a desire to align the OS District request with the development intent thus has included the following list of uses that would be restricted within this district. If approved the zoning district would be mapped as a conditional zoning district. Restricted uses would be included in an ordinance for this property.

### Use Group Table per Section 20-402

| <b><u>Permitted Use Groups</u></b>                                  |  |
|---|--|
| <b>Highlighted uses are proposed to be restricted by applicant.</b> |  |
| <b>RESIDENTIAL USE GROUP</b>  |  |
| <i>Not permitted in the OS district.</i>                            |  |
| <b>PUBLIC AND CIVIC USE GROUP</b>                                   |  |
| <b>Community Facilities</b>   |  |
| Cemetery  |  |
| Cultural Center/ Library  |  |
| Funeral and Internment (Accessory)                                  |  |
| Utility Minor (P or SUP)  |  |
| Utility Major (SUP)   |  |
| <b>Medical Facilities</b>   |  |
| <i>Not permitted in the OS District</i>                             |  |
| <b>Recreational Facilities</b>                                      |  |
| Active Recreation (SUP)   |  |
| Entertainment & spectator sports, Limited (SUP)                     |  |
| Passive Recreation  |  |
| Nature Preserve/Undeveloped   |  |
| Passive Recreation  |  |
| <b>Religious Assembly</b>   |  |
| <i>Not permitted in the OS District</i>                             |  |
| <b>COMMERCIAL USE GROUP</b>   |  |
| <b>Animal Services</b>  |  |
| <i>Not permitted in the OS District</i>                             |  |
| <b>Eating and Drinking Establishments</b>                           |  |
| <i>Not permitted in the OS District</i>                             |  |

|  |  |
|--|--|
| <b>Office</b>                                |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>Parking Facilities</b>                    |  |
| Accessory (Accessory)                        |  |
| <b>Retail Sales and Service</b>              |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>Sexually Oriented Businesses</b>          |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>Transient Accommodations</b>              |  |
| Campground (SUP)                             |  |
| <b>Vehicle Sales &amp; Service</b>           |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>INDUSTRIAL USE GROUP</b>                  |  |
| <b>Industrial Facilities</b>                 |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>Wholesale, Storage &amp; Distribution</b> |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>OTHER USE GROUP</b>                       |  |
| <b>Adaptive Reuse</b>                        |  |
| — Designated Historic Property (SUP)         |  |
| <b>Agricultural</b>                          |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>Communications Facilities</b>             |  |
| Amateur & receive only antennas (Accessory)  |  |
| Telecommunication antenna (Accessory)        |  |
| Telecommunications Tower (SUP)               |  |
| Satellite Dish (Accessory)                   |  |
| <b>Mining</b>                                |  |
| <i>Not permitted in the OS District</i>      |  |
| <b>Recycling Facilities</b>                  |  |
| <i>Not permitted in the OS District</i>      |  |

In addition to the applicant's list of restricted uses, Staff recommends also restricting Utility, Minor, Utility Major, Accessory Parking, and Designated Historic Property.

The applicant has indicated that they are working with the Baker Wetlands to provide a connection along the OS zoned portion of the project allowing a nature trail to potentially be constructed. This is in-line with the policies of the Revised Southern Development Plan, and would also provide greater connections and linear recreation opportunities along the Wakarusa River. If completed in a manner that is sensitive to the existing natural surroundings and floodplain consideration, the use would be appropriate given this particular area within the county.

**Staff Finding:** Zoning this property to OS for low impact, passive recreation uses will not generate detrimental effects to adjacent property resulting from this zoning application. Development of recreation facilities, such as a nature trail, may require significant mitigation in design because of the presence of the regulatory floodplain. Staff supports restricting the allowed uses to ensure low-impact use of the area.



**8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION**

*Applicant's Response: Approval of this request will facilitate the preservation of regulatory floodplain. Denial of this and the accompanying development applications will compel future applicants to pursue a different mix of commercial and open space land uses for this location.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefits for the subject owners' property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare. The public stands to gain by preserving a portion of the environmentally sensitive lands adjacent to the Wakarusa River, and also through the preservation of a linear connection of the riparian lands leading into the Baker Wetlands.

**Staff Finding:** The proposed rezoning facilitates public purposes by providing more protection to the designated floodplain.

**9. PROFESSIONAL STAFF RECOMMENDATION**

This application facilitates protection of designated floodplain areas along the Wakarusa River. The OS zoning designation is consistent with land use recommendations for the area in the *Revised Southern Development Plan*. Restriction of uses using conditional zoning further mitigates the potential development impact on the surrounding area. This recommendation is independent of the proposed commercial development included in the application for CR zoning adjacent north (Z-15-00327).

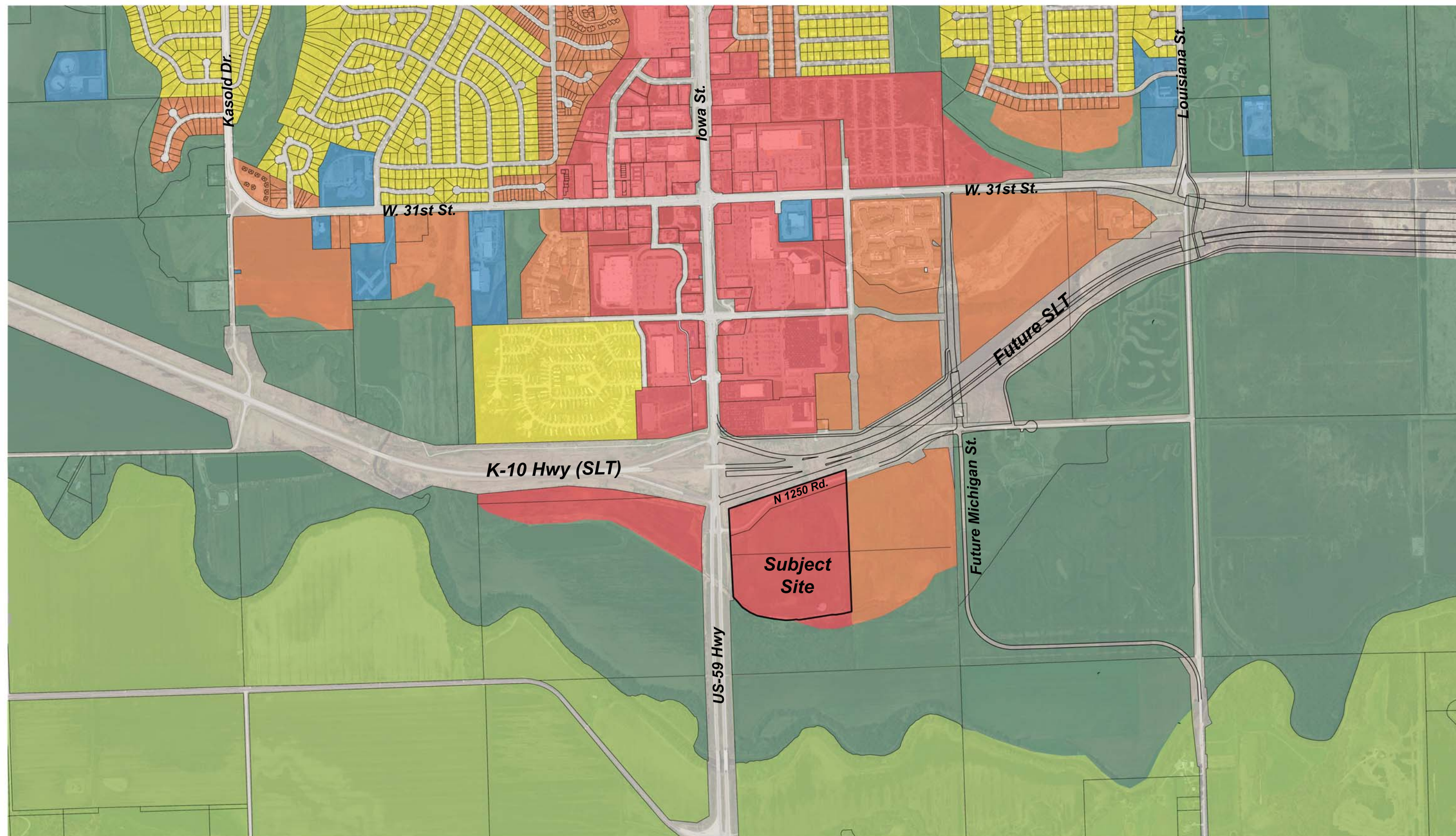
**CONCLUSION**

The proposed OS rezoning is consistent with the planned future land use anticipated for this area. Staff recommends approval of the proposed OS district for this portion of the subject property.









**COMPREHENSIVE PLAN EXHIBIT  
EXISTING + PLANNED**  
PREPARED FOR SLT, LLC  
AUGUST, 2015

**LAND USE SUMMARY:**

## AGRICULTURE

### LOW-DENSITY

**MEDIUM-DENSITY**

PUBLIC /

RETAIL /

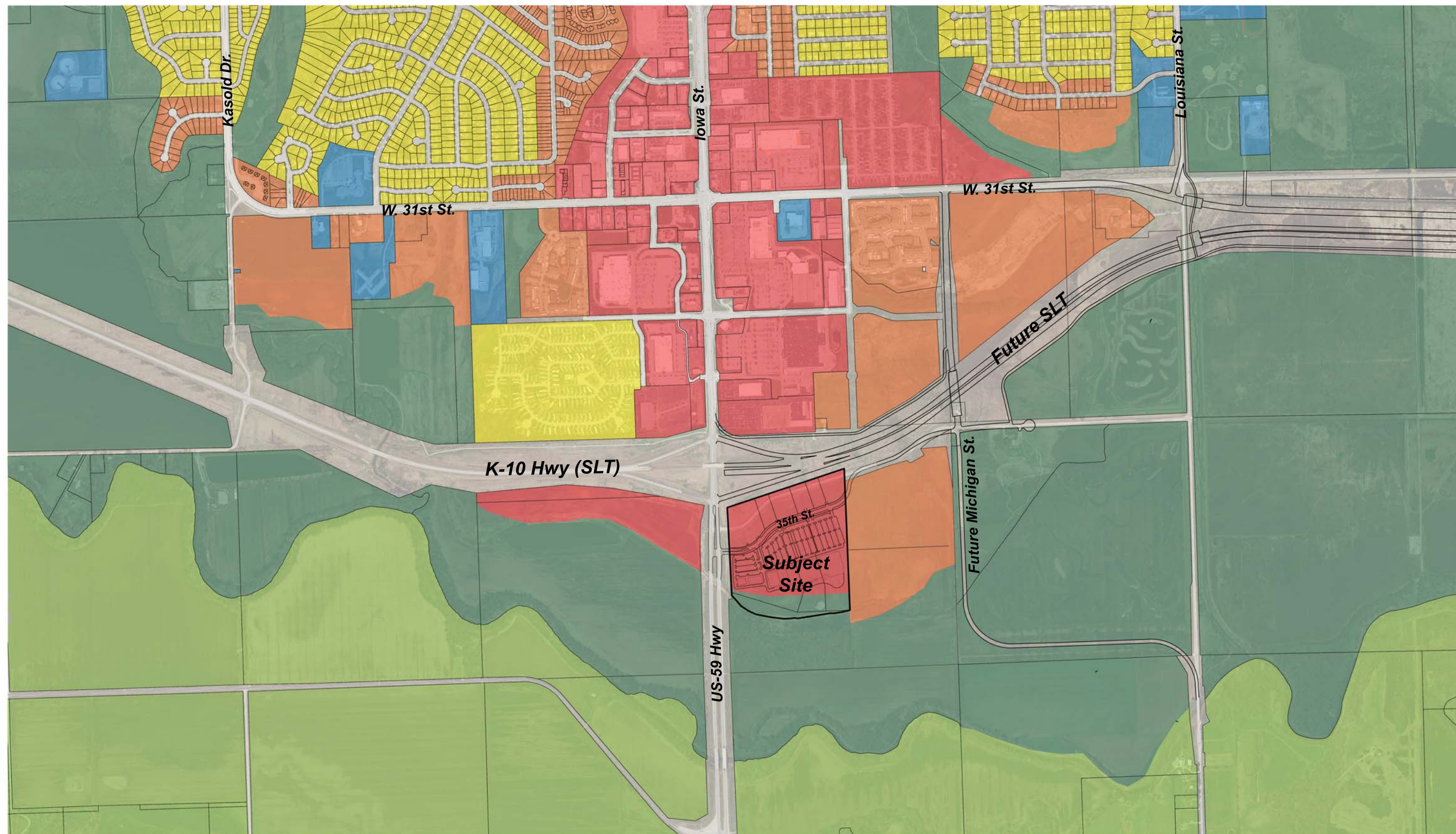


SCALE: 1" = 500'

500 250 0 500 1000







**COMPREHENSIVE PLAN EXHIBIT**  
**EXISTING + PROPOSED**  
*PREPARED FOR SLT, LLC*  
*AUGUST, 2015*

**LAND USE SUMMARY:**

## AGRICULTURE

### LOW-DENSITY

### MEDIUM-DENSITY

PUBLIC /

RETAIL /



SCALE: 1" = 500'

500 250 0 500 1000

















August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission  
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city's plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Competition with downtown. We do not believe this will be competition for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas

City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.

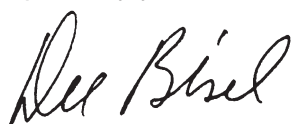
2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.
3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.
4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.
5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dee Biel". The signature is fluid and cursive, with a large initial 'D' and 'B'.



**From:** "Doug Brown" <[dougbrown@askmcgrew.com](mailto:dougbrown@askmcgrew.com)>

**Date:** August 4, 2015 at 2:48:13 PM CDT

**To:** <[clay.britton@yahoo.com](mailto:clay.britton@yahoo.com)>

**Subject:** SEC K-10 and Iowa Street

Hi Clay

I wanted to reach out to you and see if you had any concerns or comments on the captioned property slated for discussion at the August 24<sup>th</sup> Planning Commission meeting. I am part of the applicant group and we would very much appreciate your support. As you are no doubt aware, we did not receive a positive vote the last time we made application back in July of 2014. We listened to all comments and I believe we've made adjustments that will please the commission.

The main argument we heard at the last meeting in July of 2014 was that the project was too big. We have reduced the size of the project by around 60%. We still have commitments from our major tenants, so sales tax revenue, jobs and property tax should still be of strong benefit, not to mention construction jobs. But the size of the overall center is significantly smaller.

We are still not asking for any assistance from the city or county in the way of TIF, CID, TDD, etc. Other proposed developments cannot claim that.

The other main argument for not approving last year was "it is in the wrong place." We assumed from those comments that officials wanted to give the Mercato development a chance to find and bring new tenants to their project. We respectfully submit that The Mercato has now had 8 years to sign tenants to their project and as of the writing of this email, I am not aware of one tenant willing to locate in that project. We cannot tell retailers where to locate their stores. They tell us. And they are telling us they want to be at Southpoint, not Mercato. Mercato will no doubt be developed with the success of Rock Chalk Park in mind. But it will not attract these types of retailers, at least not for awhile. I'm guessing Mercato will attract motels, restaurants and smaller retailers who will cater to the weekend attendees at Rock Chalk. If Academy Sports, Marshalls Home Goods, Old Navy, Designer Shoe Warehouse and others were attracted to Mercato, they would be building there now. The site is approved and has been for years. These retailers are waiting for our development to be approved. And with your vote we can welcome them to Lawrence.

There was an argument made that this project should not be approved because it would require an amendment to Horizon 2020. Respectfully, Mercato also required an amendment to be approved and just recently required another amendment to be increased in size. Horizon 2020 has been amended over 40 times including the amendments for Mercato. And frankly, the amendment for this project is far less reaching than the ones for Mercato. This ground is already approved for commercial activity, we just want to broaden the use groups.

Someone said they thought this project would "kill downtown Lawrence." I heard the same argument when I brought Target to Lawrence in the '90s, as well as when we brought Kohl's, Home Depot, etc. These stores help Lawrence keep shoppers here, which benefits downtown. Also, Downtown Lawrence is healthier than it's ever been with more living units coming and more businesses eyeing it for development. I've lived here all my life and have been in the commercial real estate business for 28 years and I've never seen our downtown stronger.

Finally, as was discussed last year, this will become a "gateway" entrance to Lawrence. The zoning is already in place to allow car dealerships, car repair shops, convenience stores, truck stops, etc. I think we could all agree that a high end shopping area with beautiful amenities such as the ones we propose would be nicer at the entrance to South Lawrence than these already approved "vehicle related" uses. This will also be a nice amenity for commuters to Topeka and Kansas City traveling on the bypass.

Please let us know if you will not be able to attend this meeting. Last year we were very surprised that three commissioners were absent for our presentation and one had to abstain. Therefore, we only had six commissioners available to hear our comments. We'd very much like to be heard by all of you.

Thanks for your time on this. We appreciate all you do for our community by serving on this board. Please don't hesitate to contact me with comments or questions regarding this development.

Highest Regards,

Doug Brown  
Senior Commercial Partner  
McGrew Commercial  
1501 Kasold Drive  
Lawrence, Kansas 66047  
785-838-8244 D  
785-766-9355 C  
785-843-2466 F  
[dougbrown@askmcgrew.com](mailto:dougbrown@askmcgrew.com)

*"Principles mean more than any money or success"*

**McGrew**  

---

**COMMERCIAL**

**From:** Karen Cochran [<mailto:kccochran321@gmail.com>]  
**Sent:** Tuesday, August 11, 2015 2:06 PM  
**To:** Scott McCullough; [clay.britton@yahoo.com](mailto:clay.britton@yahoo.com); Jeremy Farmer  
**Subject:** RE: South Iowa retail

August 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, and Mayor Farmer and members of the Lawrence City Commission

c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support



the city's plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Completion with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned "mom and pop" downtown businesses able to continue to operate successfully.
2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this South Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.
3. Developing south of the SLT. For the last four decades I don't know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.
4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.
5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don't ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer's list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not

often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

You may receive this same letter from other members of our group, so I want to let you know that it is the result of a collaborative effort based on our joint discussions.

Respectfully yours,

Karen Cochran

--

**Karen Cochran**

321 Woodlawn Drive

Lawrence, KS 66049

785-550-5052

[kccochran321@gmail.com](mailto:kccochran321@gmail.com)

**From:** Connie Friesen [<mailto:confriesen@aol.com>]  
**Sent:** Tuesday, August 11, 2015 12:36 PM  
**To:** Scott McCullough; Clay Britton; Jeremy Farmer  
**Subject:** South Iowa project support request letter

August 11, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Farmer and members of the Lawrence City Commission

c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city's plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Completion with downtown. We do not believe this will be completion for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.
2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.
3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.
4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.
5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.

Respectfully yours,



Connie Friesen  
3604 Quail Creek Court  
Lawrence, KS 66047-2133

**From:** joanwebgolden [<mailto:joanwebgolden@sunflower.com>]

**Sent:** Thursday, August 13, 2015 6:53 PM

**To:** Scott McCullough; Clay Britton; Leslie Soden

**Cc:** [marilyn.bittenbender@colliers.com](mailto:marilyn.bittenbender@colliers.com)

**Subject:** South Iowa Project

Scott, Clay and Leslie:

I wanted to add my vote of support to the South Iowa Project.

I know you are getting letters from other ladies, voicing their support, so am not going to duplicate that message.

However, I believe that there is synergy from development and the re-sized development proposal will be a good draw to increase our retail sales tax base; and it will not take away from our vibrant downtown.

I understand this proposal will come before the Planning Commission on August 24, and then before the City Commission.

I appreciate your consideration and support of this project.

Joan Golden  
1132 West Hills Pky  
Lawrence, KS 66044  
785-842-7544

**Sheryl K Jacobs  
1524 Fountain Drive  
Lawrence, KS 66047**

August 12, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission,  
Mayor Farmer and members of the Lawrence City Commission  
c/o Director of Planning Scott McCullough:

Some friends and I were sitting around talking the other afternoon after one of our get-togethers and the subject of the retail project that had been proposed for K-10 and South Iowa last summer came up in discussion. We were all fairly baffled as to why the project had not proceeded, and did a little research as to some of the issues surrounding this application. The result of our education was disappointment in the resistance we learned was directed toward the earlier project, and we wanted to share some thoughts with you to encourage you to approve the revised application.

The members of our group are between the ages of 55 – 75. Most of us are retired from professional careers. We continue to be involved in the community and support a variety of local social service and arts organizations through our contributions and service on boards. Those include organizations such as the Lawrence Art Center, the Lawrence Schools Foundation, Cottonwood, Bert Nash, the Boys and Girls Club, Rotary and many others. We love going to movies at Liberty Hall, eating at downtown restaurants, and frequenting our delightful mix of local retailers.

In addition to shopping downtown, we all also shop on South Iowa and we all shop in Kansas City. We collectively agree that we would like to shop less in Kansas City. If we had Old Navy, DSW, Home Goods and the mix of other stores that have made commitments to the Southpoint location, we would patronize those stores instead of spending those dollars at Oak Park, Town Center or the Legends. We understand the value of keeping our sales tax dollars local, and while none of us claims we would never shop in Kansas City again, we would definitely go less often and spend more money here if this project is approved.

Lawrence has struggled over the years to combat a reputation of being a hard place to do business. We see nothing but positives with this project and hope the developer gets a warmer welcome this time than was offered last summer. They seem to be professional and experienced and are requesting the opportunity to make a multi-million dollar investment in our community. They have commitments from numerous desirable retailers who want to be part of this project in this location. The project already received a positive recommendation from our professional planning staff last summer. This is being offered to us at a time when the state continues to cut funding for our schools and social services, and we are being asked to pick up those costs locally. We have among us retired teachers and are all strong supporters of public education. We support the city's plan to hire new police officers, build bike trails, and we support the homeless shelter and other not for profit organizations and agencies the city funds. Those are all desirable goals for our community that we should be able to afford without taxing ourselves out of our homes and businesses. This project would generate significant sales and property tax that could pay for many of the items on our community wish list. It is also our understanding that the developer is asking for an opportunity to make this multi-million dollar investment in our community without a request for any incentives.

We believe there are more than satisfactory answers to any and all of the objections and comments made against the project last year. These are as follows:

1. Competition with downtown. We do not believe this will be competition for downtown. We have even spoken with downtown merchants who do not believe this will be competition. In fact they believe that any project that keeps Lawrence shoppers in town rather than heading to Kansas City will benefit downtown, and that downtown merchants will capture an additional share of the dollars we currently lose to other communities. Additionally, having multiple sites and opportunities for retailers to locate will keep retail rents at competitive market rates, which will in turn allow our wonderful eclectic mix of locally owned “mom and pop” downtown businesses able to continue to operate successfully.
2. Competition with other developments. Retailers spend millions of dollars each year researching the best locations for their business to be successful. These retailers have determined their optimum chance for success is this south Iowa site. Other developments will evolve over time, and attract different businesses that are more compatible with their specific demographics. It is important to have a variety of sites for retailers to locate, just as it is important to have a variety of sites for industrial users to locate. That gives Lawrence the best opportunity to capture the most sales and property tax dollars, and generate the most jobs and employment opportunities, and keep rents affordable for all businesses.
3. Developing south of the SLT. For the last four decades I don’t know that anyone really thought we would actually ever drive on this highway. It has only been within the last two years that this has started to become a reality. Additionally we are soon going to see increases in our water bills to pay for the new waste water treatment plant the city is currently constructing on the Wakarusa River. The Lawrence school district boundary ends at Rock Chalk Park to the north, but it goes south of the Wakarusa for several miles. The combination of these factors will open up significant area for future growth south of the river. There is no better location than the intersection of two major highways, K-10 and US 59, to locate an attractive shopping center that will welcome guests and residents to our community.
4. Size. We understand one of the biggest concerns was the size of the project. We have learned that it has been reduced by more than 50%, which should address any concerns regarding size.
5. Planning. Our research indicates the area plan already shows this site as being appropriate for retail; and the only thing the developer is asking is for a change to traditional retail rather than auto related retail. We have no shortage of gas stations or fast food restaurants in town, and don’t ever leave Lawrence to buy gas or get fast food. We do however leave Lawrence to shop at the stores on the developer’s list. Traditional retail makes much more sense at this location; it is more aesthetically pleasing, it captures more of our leaking sales tax dollars, and it will attract new visitors and shoppers to our community. We believe it is a completely appropriate land use for this site.

Our group gets together in various ways several times a month. We try to stay current with local events and activities, but we very rarely make any comment or speak up on issues. This discussion about this project, and our continued curiosity about its status evolved to the point we became interested enough to write to you with our thoughts. We believe we are like most Lawrence residents in this regard; we are always interested but not often actively engaged, and trust you as our elected and appointed officials to make decisions that represent our interests. This time we felt it important to let you know what those interests are.

Our interests are encouraging you to roll out the red carpet for this project and say “thank you” to this developer and to these retailers. We would commit to patronizing their stores and shift a great deal of our Kansas City shopping to their cash registers. We also believe that our dozen or so members are highly representative of hundreds (and even thousands) of people in our community who share our opinion about this, and we encourage you to approve this project.



You may have received this same letter from other members of our group, it was a collaborative effort based on our joint discussions. Thank you again for consideration of our thoughts.

Respectfully yours,

Sheryl Jacobs

**From:** Marcia O [<mailto:mho3413@earthlink.net>]  
**Sent:** Wednesday, August 12, 2015 7:38 PM  
**To:** Scott McCullough  
**Subject:** South lawrence shopping center

I am very much in favor of the South Lawrence shopping center. Among many other things, I think it would keep many people from doing their shopping in KC. Lawrence could use and would support more good shopping.  
Marcia Oelschlager

**PRICE T. BANKS**  
ATTORNEY AT LAW, RETIRED  
P.O. Box 442341  
2018 CAMELBACK DRIVE  
LAWRENCE, KANSAS 66047  
785/766-5069  
price@pricetbanks.com

TO: Lawrence-Douglas County Metropolitan Planning Commission  
Amalia Graham (amalia.graham@gmail.com)  
Jim Denney (denney1@sunflower.com)  
Patrick Kelly (pkelly@usd497.org)  
Pennie von Achen (squampva@aol.com)  
Julia Butler (julia.v.butler@gmail.com)  
Clay Britton (clay.britton@yahoo.com)  
Bryan Culver (bcculver@gmail.com)  
Bruce Liese (bruce@kansascitysailing.com)  
Rob Sands (Robert.c.sands@gmail.com)  
Eric Struckhoff (eric.c.struckhoff@gmail.com)

CC: Scott McCullough, Director, Planning and Development Services  
(smccullough@lawrenceks.org)

FROM: Price T. Banks

DATE: August 24, 2015

RE: South Point Shopping Center

---

Please see the attached letter prior to tonight's Planning Commission hearing.



**PRICE T. BANKS**  
ATTORNEY AT LAW, RETIRED  
P.O. Box 442341  
2018 CAMELBACK DRIVE  
LAWRENCE, KANSAS 66047  
785/766-5069  
price@pricetbanks.com

August 22, 2015

City of Lawrence Planning Commission  
PO Box 708  
Lawrence, Kansas 66044

Re: South Point Shopping Center

Commissioners:

The purpose of this communication is to voice opposition to the South Point Shopping Center proposals before you that fly in the face of good planning practices, and violate the policies and principals set out in the Comprehensive Plan for Lawrence and Douglas County.

I have been asked by a law firm to consult with landowners and others about the staff report findings generally and about whether the simultaneous action to amend the Comprehensive Plan and to rezone the subject property reflects the goals of the Comprehensive Plan.

By way of introduction:

I hold a Bachelor's degree in Urban Planning, and a Master's degree in "Community Development from Michigan State University. I hold a JD from Cooley School of Law.

I was Planning Director for Lawrence and Douglas County for 12 years from 1982 to 1994.

I have been a professional Planner for 47 years, and practiced Land Use Law and Municipal Law for over 20 years. I've worked in dozens of communities in Kansas, Missouri and Michigan, and have served as a City Attorney, and as a County Administrator.

I've taught Planning classes at the Graduate School for Urban Planning at the University of Kansas.

I presided over the ad-hoc committee that drafted the original version of the current Kansas Planning & Zoning Enabling Legislation.

I have drafted Land Use regulations for many Cities and Counties.

I am writing to encourage the Planning Commission to engage in sound, accepted planning practices when dealing with the South Point applications, and to uphold the

tradition of planning excellence in Lawrence and Douglas County. Moreover, I urge you to resist being rushed into decisions that imperil the existing commercial properties.

Horizon 2020 is the result of years of study and dialogue of many of the true stakeholders in Lawrence and Douglas County. Those were not efforts to be taken lightly. Amendments to the Comprehensive Plan should follow the same procedures and involve the same stakeholders. While the Plan has been amended many times in relatively minor ways, more significant amendments were carefully studied, and were not adopted until the planning commission and the governing bodies determined that there was a community consensus.

Community planning was originally conceived so that citizens, public officials and property owners would have policies and procedures on which they could base decisions regarding investments, both public and private. It was conceived as a mechanism to improve the quality of life in a community. Although plans must not be set in concrete, they should not be changed whenever a proposal is inconvenienced by those plans. They need to provide a steadying feature to assist planners to achieve a positive influence on the quality of life in the community. If they are amended on a reactive basis, they become meaningless.

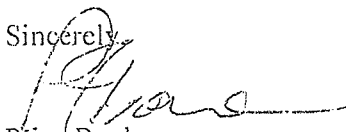
About thirty two years ago, Lawrence denied an application for commercial zoning for what became known as the "Cornfield Mall" at the site of the current proposal. That application was denied, and the courts affirmed the action, and affirmed the right of our community to map a future that could be depended on by the citizens.

In the present case, it is suggested that the purpose of the amendment is to bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center.

That simply stated is putting the cart before the horse. A development proposal should be in alignment with Horizon 2020, or should not be considered. Any proposal needs to meet all of the criteria of the Plan or it should not be considered. Piecemeal leapfrog amendments to the Comprehensive Plan are not planning but are anti-planning, and take us back to the days when there was no planning at all.

The present proposal expands the regional center to intrude into lower intensity land uses including agricultural land and open space and regulated flood plain, and therefore is contrary to the provisions of the Comprehensive Plan. It meets none of the design criteria of the Plan. It expands the center far beyond the set maximum of 1.5 million square feet, and creates a precedent for additional expansion and a precedent for a gauntlet of strip commercial land uses, signs and the resulting traffic congestion.

I urge you to deny the request to amend Horizon 2020, and to preserve the tradition of excellent planning practice in Lawrence and Douglas County.

Sincerely,  
  
Price Banks

August 23, 2015

Dear Commissioner Britton and members of the Lawrence Douglas County Planning Commission, Mayor Amyx and members of the Lawrence City Commission  
c/o Director of Planning Scott McCullough:

I would like to express my support for the retail area being proposed for K-10 and South Iowa and encourage you to send it on to the city commission with a favorable recommendation.

We have a developer who is willing to invest their money in our community asking very little in return – only a zoning change from auto retail to general retail. What better place for this center than at a major intersection of two major roads. This center will keep shopping here in Lawrence and Douglas County as well as drawing from smaller communities around Lawrence.

This project would generate significant sales and property tax dollars that could help pay for many of the items on our community wish list. Many downtown merchants agree that this project will benefit their businesses and having additional shoppers, who make multiple stops in their shopping day, a positive for the city. Additional retail locations will keep the rents lower and benefit all of us.

Please give a favorable vote for the Southpoint development project.

Regards,

Jane Bateman  
926 West 29<sup>th</sup> Street  
Lawrence, KS 66046



LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

AUG 24 2015

City County Planning Office  
Lawrence, Kansas

August 22, 2015

*President*  
**Debra Duncan**

*Vice President*  
**Cille King**

*Secretary*

*Treasurer*  
**Marjorie Cole**

*Directors*  
**Margaret Arnold**

**Marci Francisco**

**Janice Friedman**

**Midge Grinstead**

**Carol Klintnett**

**Marlene Merrill**

**Marlaine Stoor**

**Austin Turney**

**Melissa Wick**

TO: Mr. Clay Britton, Chair, and Members of the Lawrence-Douglas County  
Metropolitan Planning Commission

RE: ITEM NO. 1 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020  
CHAPTERS 6 & 14 (JSC) CPA-15-00335: ITEM NO. 2A RS10 TO CR; 63.89  
ACRES; SE CORNER SLT & US-59 (JSC) Z-15-00327: ITEM NO. 2B RS10 TO OS;  
2.61 ACRES; SE CORNER SLT & US-59 (JSC) Z-15-00328.

The League of Women Voters is opposed to the request to amend Horizon 2020 and to rezone the acres under discussion. A Horizon 2020 Steering Committee has been updating the plan since February 2014 and they have received valuable public input along the way. The Committee next meets on August 31, 2015 to consider recommending that the Planning Commission, City Commission and County Commission accept their Issue Action Report. The League believes it would be irresponsible for the Planning Commission to acquiesce to a rezoning request until it has had the opportunity to accept and review the Steering Committee's Report.

Should the Committee decide to continue with the current agenda, we would like to point out that a quick perusal of two commercial realty websites identified 41 retail properties for lease in the city of Lawrence, including eight located in the downtown area. While several of those are small, one is 30,000 square feet and another 20,226 square feet. The vacant Discovery Furniture/Roommakers building on Iowa Street is 47,979 square feet and, of course Mercato, adjacent to Rock Chalk Park, is 600,000 square feet of vacant retail space.

For those reasons, we respectfully request that you deny the amendment to Horizon 2020 and the rezoning requests.

Sincerely,

Debra Duncan, President

Alan Black, Chairman Land Use Committee



August 24, 2015

VIA ELECTRONIC MAIL

Amalia Graham (amalia.graham@gmail.com)  
Jim Denney (denney1@sunflower.com)  
Patrick Kelly (pkelly@usd497.org)  
Pennie von Achen (squampva@aol.com)  
Julia Butler (julia.v.butler@gmail.com)  
Clay Britton (clay.britton@yahoo.com)  
Bryan Culver (bcculver@gmail.com)  
Bruce Liese (bruce@kansascitysailing.com)  
Rob Sands (Robert.c.sands@gmail.com)  
Eric Struckhoff (eric.c.struckhoff@gmail.com)  
Lawrence-Douglas County Metropolitan  
Planning Commission  
City of Lawrence, Kansas  
City Hall  
6 East 6th Street  
Lawrence, KS 66044

**Re: South of K-10 Commercial and Retail Applications, CPA-15-00335; Z-15-00327; Z-15-00328**

Dear Members of the Planning Commission:

I represent K-10/40 Development, L.C., whose managers have an interest in commercial properties in Lawrence, Kansas, including in downtown Lawrence and in the Mercato retail and commercial development at the northeast corner of Highways 40 (6th St.) and 10 in Northwest Lawrence. Tonight, the Commission will consider a Comprehensive Plan Amendment to Horizon 2020 Chapters 6 and 14 relating to an application for commercial development south of K-10, along with considering two rezoning requests affecting the same Project (the "Project"). For the reasons outlined here, the Commission should not recommend approval of the changes to the Lawrence Comprehensive Plan and related zoning.

The proposed Comprehensive Plan Amendment *does not conform* to certain Horizon 2020 policies. Staff acknowledges the proposed Project is a departure from the adopted form, level and type of commercial development envisioned for the site. Traditional neighborhood design is encouraged at this location and development should be undertaken in the form of Planned Development Overlays (p. 1-3), but these policies are proposed to be abandoned at the point in time they should be considered, that is, now (p. 1-3).

Further, staff notes in multiple places that a number of retail and commercial developments will be negatively affected by the Project because it could impact the timing of development for other properties (p. 1-2) and by potentially underserving the areas around these other locations (p. 2A-13). This includes Mercato and a number of other sites mentioned in the report, and there are businesses and locations that are not mentioned in the report. The pending requests veer from existing policies and implicate significant questions of public policy and planning.

These are not abstract considerations. There are approximately 1.3 million square feet of commercial inventory already available in the City (p. 1-9). The City should not change its Comprehensive Plan to add another 247,000 square feet -- what the Project applicants seek -- at the risk of damaging what exists.

Horizon 2020's goals and criteria for directing land use decisions center on the Nodal Development Concept for new commercial development (Horizon 2020, 6-2). Nodal Development is the antithesis of "strip development." Yet, tonight's proposed Comprehensive Plan Amendment and related zoning amendments would allow the extension of the already largest strip center in the City to jump across K-10 and into the flood plain.

Critically, staff states that the reason for the Comprehensive Plan Amendment is to "bring Horizon 2020 and the Revised Southern Development Plan into alignment with the proposed commercial center." But this approach assumes the Project itself should dictate what Horizon 2020 and the SDP should contain, rather than the other way around, that is, that the City's policies should dictate whether the Project is appropriate. This is a significant and sharp departure from public policy and Horizon 2020.

The direction established in Horizon 2020 for this location is that regional commercial "shall not" occur south of K-10. K-10 is viewed in Horizon 2020 as a "barrier" to commercial development of the kind now being proposed.


The central issue for tonight is to address whether the City process and directives under Horizon 2020 are being followed. Staff recognizes that there has not been a change in public policy (see p. 1-17 of the report). That the City has been working with a task force to review Horizon 2020 establishes that it is premature to change or gauge public policy.

The Project proposed is smaller than the proposal disapproved by the Commission last year, but the same planning principles that applied to the denial then apply with as much force now. The Project proposed is a smaller but no less potent dose of the type of development that has not been contemplated by or authorized under the City's Comprehensive Plan, and staff acknowledges that nearby properties will be entitled to further commercial development (p. 2A-13).

Members of the Planning Commission  
August 24, 2015  
Page 3

The proper focus for the Project plan is against the backdrop of the City's Comprehensive Plan policies and goals. We urge the Commission to adhere to Horizon 2020 and to vote against this Project until the public process has been properly engaged.

Very truly yours,



Mary Jo Shaney

MJS:hkm

cc: Scott McCullough, Director, Planning and Development Services,  
via e-mail [smccullough@lawrenceks.org](mailto:smccullough@lawrenceks.org)  
James C. Bowers, Jr., Esq., via e-mail [jbowers@whitegoss.com](mailto:jbowers@whitegoss.com)

**From:** Heidi Simon [<mailto:heidi.j.simon@gmail.com>]

**Sent:** Friday, August 21, 2015 4:42 PM

**To:** [clay.britton@yahoo.com](mailto:clay.britton@yahoo.com); Patrick Kelly <[PKelly@usd497.org](mailto:PKelly@usd497.org)>; [Amalia.graham@gmail.com](mailto:Amalia.graham@gmail.com); [Julia.v.butler@gmail.com](mailto:Julia.v.butler@gmail.com); [bculver@gmail.com](mailto:bculver@gmail.com); [Robert.c.sands@gmail.com](mailto:Robert.c.sands@gmail.com); [Denney1@sunflower.com](mailto:Denney1@sunflower.com); [squampva@aol.com](mailto:squampva@aol.com); [bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com); [Eric.c.struckhoff@gmail.com](mailto:Eric.c.struckhoff@gmail.com)

**Cc:** [mikeamyx515@hotmail.com](mailto:mikeamyx515@hotmail.com); [lsoden@lawrenceks.org](mailto:lsoden@lawrenceks.org); [sboley@lawrenceks.org](mailto:sboley@lawrenceks.org); [matthewjherbert@gmail.com](mailto:matthewjherbert@gmail.com)

**Subject:** SouthPoint Rezoning

Dear Commissioners,

First, I want to thank you for your time and commitment to Lawrence in your planning commissioner roles. What you do matters greatly to our amazing city and I know you fulfill this role with little recognition and appreciation. So, thank you!

I am writing today because I can't be at the meeting on Monday and I want to voice my strong support for the approval of the items on your agenda to rezone the Southeast corner of SLT and US-59.

I did attend the meeting last year and I was disappointed when the vote conversation turned from "rezoning" to how people feel about the development. My take on the vote is the following:

1. This area is already zoned for some type of commercial use. A vote for this is simply changing the type of zoning from auto-related to regional commercial. There will be development in this area. The question becomes what do we want this commercial development to add to our community (both visually and in tax dollars). I love me some Lawrence, KS, but one of my least favorite first impression/gateways to our city is the east 23<sup>rd</sup> st./K-10 entrance. All of the businesses along this corridor are great for Lawrence, however they just don't create a very welcoming entry point to Lawrence. I'm afraid if we keep the current zoning on the Southeast corner as auto-related, we will indeed have another E. 23<sup>rd</sup> st. entry to Lawrence.
2. Other developers in town might suggest that changing this to regional commercial will take away from other areas that are already zoned for this use. Before the Rock Chalk Park development I might have supported this thought. However, since RCP it is clear to me that area has special opportunities for development that won't work in other areas of the city. It is my personal belief that the RCP area would benefit most from hotels, restaurants and movie theatres. Not to mention, retail wants to be by other retail. I believe this be one of the biggest reasons it's not already developed. So even if we want this to happen, we can't make the retailers want this.
3. Tax dollars. I'm not sure if the developers estimates are exactly correct on the amount of money this development will bring to our city, but I know it's more than zero, which is the current amount. We are in desperate need of dollars staying in our city and coming into our city. I read somewhere that some say the stores coming in won't bring in more money, it will just shift it from other businesses in Lawrence. Although this may happen in few instances, it is a fact that millions of dollars leave our community for the exact type of stores that this development will be adding. I am an example of this and pretty much everyone else I know is too. This will keep money in Lawrence and will add money to Lawrence from our smaller communities surrounding us.
4. It is my understanding the developers are not asking for any tax breaks or incentives. This is unheard of. How can we turn this down when we so desperately need more tax dollars to come to and stay in Lawrence and on top of it they aren't asking for tax breaks?
5. I miss Old Navy.

At the end of the day, this really comes back to my first point. Do we want this to be auto-related or regional commercial? I want this commercial area to add tax dollars and a well-planned/designed/sculptured/landscaped area. Let's get this right.

Thank you for your time and I would be grateful to receive a response that you have at least read this email.



Heidi Simon  
5503 Chameny Ct.  
Lawrence, KS 66049

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

**August 21, 2015**

Lawrence-Douglas County Planning Commission  
City of Lawrence, Planning & Development Services  
P.O. Box 708  
Lawrence, Kansas 66044

**Re: Supplemental Memorandum to the Lawrence-Douglas County  
“Planning Commission Report” for the August 24, 2015 Planning  
Commission Meeting**

Dear Chairman Britton and Members of the Planning Commission:

I am writing on behalf of Collett in support of the opportunity the Commission has at its August 24, 2015 meeting to consider and recommend approval of the following agenda items:

- Item 1:** Comprehensive Plan Amendment to Horizon 2020 Chapters 6 & 14;
- Item 2A:** Rezoning from RS10 to CR at the Southeast Corner of SLT & US-59; and
- Item 2B:** Rezoning from RS10 to OS at the Southeast Corner of SLT & US-59.

Each of the foregoing applications was filed by Landplan Engineering on behalf of the owners of the subject property, Armstrong Management and Grisham Management (collectively, the “Applicant”). After withdrawing its previous application to address concerns stated at the prior Planning Commission hearing that the project be scaled-down, the Applicant has reduced the proposed development consistent with the Planning Commission’s comments.

**INTRODUCTION**

By recommending approval of the three (3) requests above, the Planning Commission has an opportunity to benefit the entire City of Lawrence by creating expanded shopping opportunities that will prevent existing spending from exiting Lawrence and draw *new* dollars to the City, which will increase City sales and property tax revenues (to the tune of nearly \$1.5 million annually), and create nearly 500 new jobs for Lawrence and Douglas County residents.

But perhaps more importantly, SouthPoint presents the ideal opportunity to create an attractively-designed, graciously-landscaped southern “gateway” to the City of Lawrence at the

doorstep of the new K-10 expansion. The proposed shopping center generally complies with the long-term vision set forth in Horizon 2020, and enumerated in the Land Development Code, yet improves upon that vision, and brings it in-line with the significant opportunity that exists to grow Lawrence's retail market.

### **PLANNING COMMISSION REPORT**

Upon receipt of staff's Planning Commission Report on August 18, 2015 (the "Staff Report"), the Applicant was pleased that staff recommended approval of all three (3) applications. In addition to staff's findings regarding the potential "positive effect on the City's pull factor and tax revenue" (Item No. 1-1), the Applicant generally agrees with the conclusions of the Staff Report. This memorandum is intended to highlight, and in some instances clarify, a few of the facts and findings contained therein.

#### **A. The Current Zoning (RS10) is Inappropriate for the Subject Property and was Merely Intended to Serve as a "Holding Zone"**

As noted in the Staff Report, the existing residential zoning designation is a remnant of a past practice to apply low-density residential zoning *automatically* upon annexation. *See e.g.* Staff Report, at Item No. 2B-9 ("In 1979, as properties were annexed into the City Limits, the RS-1 district was commonly used as a holding zone.").

Thus, a residential zoning designation was never intended to be the permanent zoning for the site, nor is it the most effective use of this highway-interchange location or a desirable spot to place single-family homes.

In fact, Horizon 2020 already prescribes a very high intensity use for the site (auto-related commercial). The question is not *if* the site should be rezoned, but which of the two options before you (auto-related commercial or regional commercial) is the more appropriate alternative.

#### **B. The Requested Comprehensive Plan Amendment Represents a Lateral Move to a Similar-in-intensity, But More Appropriate and Desirable Alternative for the Southern "Gateway" to the City**

As set forth at Item 1-2 of the Staff Report, the Applicant is requesting that Horizon 2020 be amended to change the future land use designation from Auto-Related Commercial to Regional Commercial. These uses are essentially equivalent in terms of intensity and are subject to many of the same provisions under Horizon 2020. There is one major difference, however, in that auto-related commercial centers are not particularly attractive, and typically comprise small service buildings and large car lots and truck plazas. This stands in contrast to the attractively-designed and graciously-landscaped southern "gateway" that SouthPoint offers.

As the Staff Report explains:

SouthPoint will “provide a more substantial buffer for the Wakarusa River riparian areas,” and “[t]he public stands to gain . . . through preservation of a linear connection of the riparian lands leading into the Baker Wetlands.” *See* Staff Report, at Item No. 2B-1, -12.

In addition to the economic, aesthetic and environmentally-conscious factors that make SouthPoint a preferable alternative to an auto-related commercial center, the City has experienced significant redevelopment of auto-related commercial uses in recent years. Dealerships such as Briggs Subaru, Lawrence Kia, Jack Ellena Honda, Crown Toyota and Dale Willey Automotive have all invested significant additional capital toward enhancing and/or expanding their current locations. The result of this redevelopment is a limited demand for auto-related uses at the corner of SLT and US 59.

The Lawrence *retail* market, by contrast, is primed to see significant growth in the next few years through appropriate development, such as extending the South Iowa Regional Commercial Center to its logical southern terminus at SouthPoint. A commercial zoning designation *not* restricted to auto-related uses is the much more appropriate and desirable alternative.

**C. SouthPoint Embraces the Significant Opportunity that Exists to Grow Lawrence’s Retail Market**

According to a recent study by Caplan & Associates, SouthPoint is the ideal location for a retail development based on a variety of factors. With the addition of national retailers who do not yet serve Douglas County shoppers and its prime location adjacent to Lawrence’s largest commercial district, SouthPoint is projected to increase City sales and property tax revenues by a combined \$1.5 million annually. *See SouthPoint Retail Market Study*, prepared by Richard Caplan & Associates, at 12 (Aug. 14, 2015) (attached to Staff Report as exhibit to Item No. 1). The development will also create expanded shopping opportunities and nearly 500 new jobs for Lawrence and Douglas County residents. *Id.*

**SouthPoint is Designed to Attract New-to-Market Tenants.** The Applicant has assembled a mix of tenants that will allow the shopping center to thrive in Lawrence’s retail market. As noted in the Caplan Study referenced above, Douglas County currently has a pull factor of 0.91, meaning the County “leaks” \$0.09 of every dollar to be spent elsewhere. Lawrence similarly ranks 17<sup>th</sup> out of the State’s 25 first-class cities. “Altogether, this leakage offers an opportunity for retail growth, especially among those sectors where the sales leakage is greatest.” *Id.* at 6.

Eight of the eleven major retail categories designated by NAICS are planned to be located at SouthPoint, including two of the poorest performing sectors in terms of pull factor:



| NAICS CATEGORY                                  | DOUGLAS COUNTY<br>RETAIL PULL FACTOR | SOUTHPOINT TENANT            |
|---|--------------------------------------|------------------------------|
| 442 Furniture and Home<br>Furnishings Stores    | 0.59                                 | HomeGoods (Marshall's)       |
| 448 Clothing and Clothing<br>Accessories Stores | 0.62                                 | DSW or Off Broadway<br>Shoes |

As framed by Caplan & Associates, this results in a “significant opportunity to increase Lawrence’s retail sales.” *Id.* at 11. SouthPoint seeks to take advantage of that opportunity by adding 237,000 square feet of retail space, an amount easily consumed by the market based on Lawrence’s demonstrated ability to absorb new commercial space.

**The SouthPoint Project will be Absorbed at the City’s Historic Absorption Rate.** According to the Caplan study, “the City has absorbed an average of 265,070 square feet since 2006.” *Id.* at 16. Lawrence has an approved unbuilt inventory of approximately 1,184,968 square feet, which increases to 1,431,968 square feet upon the inclusion of SouthPoint. But even in an unlikely scenario where “*all* of these projects are completed and phased into the local market by 2020 . . . this will result in adding an average increase of [only] 238,661 square feet per year,” an amount less than that averaged since 2006. *Id.*

Upon occupancy of SouthPoint, the city wide vacancy rate is, therefore, projected to drop from 7.2% to approximately 6.7%. These projections are actually quite conservative, however, in that they assume *all* approved unbuilt inventory will be completed and phased into the market by 2020. But as discussed in greater detail below, several of these undeveloped concepts are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of the expected tenants at SouthPoint.

**D. Unlike Various Entitled, but Undeveloped Commercial Areas in the City, SouthPoint is Ready to Break Ground in 2016 and Provide Lawrence Residents with New-to-Market, National Tenants Shortly Thereafter**

Staff states that the “[p]roposal could impact the timing of development for other entitled, but entirely or partially undeveloped, commercial areas . . . thereby potentially under serving these areas of the community.” *Id.* at 2. It is important to clarify, however, that several of the development examples for this assertion are either unlikely to be completed in the near future, or involve commercial-retail categories that will not compete with any of SouthPoint’s tenants.

Menards is in the building materials and supplies category, for example, which “is not in competition with any of the expected tenants at SouthPoint.” *Id.* at 16.

The Mercato development, on the other hand, appears to need additional rooftops in the vicinity before retailers are willing to locate there. After attempting for several years to obtain tenants and move the project forward, the Commission has no evidence that Mercato will experience meaningful progress in the near future. There has been no public announcement of

tenants, nor have any development plans been submitted to the City. SouthPoint, by contrast, has tenants ready to go if it receives approval of the requested plan amendment and rezoning, and the Applicant plans to break ground in the Spring of 2016. These tenants recognize the significant opportunity that exists to grow Lawrence's retail market by being strategically positioned in a modern retail development at the southern entrance to the City.

**E. SouthPoint Meets or Exceeds Each of the Requisite Factors Set Forth in the Land Development Code and Identified Under Kansas Case Law**

Finally, from a purely legal and land use perspective, SouthPoint meets and/or exceeds each of the factors required to be considered under Section 20-1303(g) of the Land Development Code; the same factors identified by the Supreme Court of Kansas in *Golden v. Overland Park* as the quintessential items to be considered in making any rezoning determination.

SouthPoint is consistent with the character of the neighborhood and complements the zoning and uses of nearby properties. The current zoning is not at all conducive to maximizing the value of this uniquely-situated property, evidenced by the fact that the property, as zoned, has remained vacant and underutilized for more than thirty-five (35) years. The *rezoning* will, therefore, provide a benefit, rather than a detriment, to nearby properties, whereas denial of the application will harm the public by depriving Lawrence and Douglas County residents of the numerous benefits discussed in this memorandum. Finally, staff recommended approval of all three (3) applications upon finding, among other things, that "Horizon 2020 lists several key strategies that are applicable to the proposed development and support the proposed request." See Staff Report, at Item No. 2B-3.

**CONCLUSION**

SouthPoint will provide a number of benefits, including an attractive southern "gateway" to the City, increased sales and property tax revenues, expanded shopping opportunities and new jobs for Lawrence and Douglas County residents. It will facilitate completion of the much-needed public improvements that are currently underway, and the scope of the requested amendments meet and/or exceed the quintessential zoning factors established in *Golden v. Overland Park* and in the City's Land Development Code.

SouthPoint represents a lateral move to a land use that is similar-in-intensity, but much preferable to that currently contemplated by Horizon 2020. The development will have a positive impact on the retail market, and help to alleviate the leakage of retail sales currently experienced in Lawrence as well as in Douglas County.

August 21, 2015

Page 6

For the foregoing reasons and others, we respectfully request that you recommend approval of all three (3) applications, as did staff.<sup>1</sup> We look forward to discussing the project further at the August 24, 2015 Planning Commission meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Watkins", is positioned above the printed name.

Dan Watkins

---

<sup>1</sup> For the exact wording of staff's recommendations with respect to all three (3) applications discussed in this memorandum, please refer to **Exhibit A** attached hereto.



## **EXHIBIT A**

### **STAFF RECOMMENDATIONS**

#### **ITEM NO. 1:**

#### **COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6, CHAPTER 14, AND TO THE REVISED SOUTHERN DEVELOPMENT PLAN (JSC)**

*“Staff recommends forwarding a recommendation of **approval** of this comprehensive plan amendment to Horizon 2020, to the Lawrence City Commission and the Douglas County Board of Commissioners to amend Chapter 6, and the Revised Southern Development Plan to expand the South Iowa Regional Commercial center to incorporate the proposed development.”*

#### **ITEM NO. 2A:**

#### **RS10 TO CR; 59.80 ACRES; SOUTHEAST CORNER SLT & US-59 HIGHWAY (JSC)**

*“Staff recommends **approval** of rezoning 59.80 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, and forward it to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.”*

#### **ITEM NO. 2B:**

#### **RS10 TO OS; 6.07 ACRES; SE CORNER SLT & US-59 HWY (JSC)**

*“Staff recommends **approval** of the request to rezone 6.07 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the South Lawrence Trafficway and US-59 Highway based on the findings presented in this staff report, and forwarding it to the City Commission with a recommendation for approval, subject to the following condition:*

- 1. The following uses shall be prohibited:*
  - a. Public and Civic Use Groups:*
    - i. Community Facilities; Cemetery, Cultural Center/Library and Funeral and Interment, Utility Minor, and Utility Major*
    - ii. Recreation Facilities; Active Recreation and Entertainment & Spectator Sports, Limited*
  - b. Commercial Use Groups:*
    - i. Transient Accommodation; Campground*
    - ii. Parking; Accessory Parking*
  - c. Other Use Groups:*
    - i. Communication Facilities; Amateur & Receive-Only Antennas, Telecommunications Antenna, Telecommunications Tower and Satellite Dish*
    - ii. Recycling Facilities; Small Collection Recycling Facilities”*



August 21, 2015

Lawrence –Douglas County Planning Commission  
C/o City Hall  
6 E. 6<sup>th</sup> St.  
Lawrence, KS 66044

RE: Proposed Retail Development at SLT and South Iowa

Dear Commission members:

I understand that the Lawrence-Douglas County Planning Commission will hear arguments for and against the proposed project for a new shopping center at the southeast corner of the SLT and Iowa Street interchange at its evening meeting on Monday, August 24<sup>th</sup> at City Hall. The Downtown Lawrence, Inc. board of directors has asked me to share their thoughts with the Planning Commission on this proposal.

In the past both the City Commission and the Planning Commission have been vigilant in maintaining Downtown Lawrence as the heart of the City. As far as this proposed project is concerned, we would ask the Planning Commission and the City Commission to continue this tradition of supporting locally owned, small and specialty businesses. Maintaining our retail mix and keeping Downtown vibrant and healthy are important not only to DLI but to our community as a whole. In the past year Downtown Lawrence has been named the number one tourist destination in the state by Trip Advisor and *Parade Magazine*, and the number two city for finding great local gifts by Yelp!. This is due in large part to the hard work of our local business owners and the excellent products and services that they offer.

Doubtless there are some advantages to welcoming new retail offerings to the community. As the discussion of it proceeds we would hope that the Planning Commission and the City Commission would be aware of the plans to include smaller, specialty businesses in the development and what effect that might have on downtown. Our goal and mission is to promote, preserve, and enhance this historic business district and to continue to engage the community and provide a place for locals and visitors alike to gather and enjoy our special brand of hospitality and tradition of unparalleled customer service.

Downtown Lawrence, Inc. would like to see the Planning Commission and City staff further explore this project including the various types of proposed retail businesses that might be included in it before any official recommendation or approval is determined. DLI wants to be an involved and active participant in the conversation as the conversation on this project proceeds.

Sincerely,

Sally Zogry  
Executive Director