

**Section 18.20.090.B – R-3 (Residential Low-Density Multifamily) Dimensional Standards**

Requirement: Front Yard Setback is 30 feet (minimum) from Street Right of Way.

*Proposal: Requesting a reduction in the minimum front yard setback for the two townhomes adjacent to 120<sup>th</sup> Street from 30-feet to 22.9-feet (7.1-foot reduction) and 28.1-feet (1.9-foot reduction).*

The approving authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

**(a) An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.**

*RESPONSE: The reduced front yards at the north along 120th Street will have no negative impact on the adjacent property. The adjacent property across 120<sup>th</sup> Street is zoned commercial and is owned by the applicant. The reduced front yard setback allows the project to provide an additional setback at the south property line adjacent to single-family residential. A 25-foot rear yard setback is required along the south property line per UDO and a setback of 66.2 to 77.9 -feet has been provide along the south. The waiver provides a higher quality development by provided an additional buffer along the south property which is a more sensitive area located adjacent to single-family homes.*

**(b) Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.**

*RESPONSE: The reduced front yard setback is adjacent to vacant commercially zoned property owned by the applicant, so no approval of the waiver would have no negative impact on adjoining residential properties. The reduced front setback at the north allows additional setback along the south property line adjacent to residential properties.*

**(c) Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.**

*RESPONSE: The reduced front setback at the north allows for additional rear setback along the south property line adjacent to residential properties. The south property line has a significant tree line, so the additional setback along the south allows for an increase in existing trees to be preserved.*

**(d) Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by a change in the applicable regulations.**

*RESPONSE: No impact to adjacent properties. See above responses.*

**(e) The regulation imposes an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that:**

**(i) No private rights will be injured or endangered by the waiver.**

**(ii) The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.**

*RESPONSE: NA*

August 21, 2024  
City of Olathe  
Attn: Planning Division  
100 E Santa Fe St  
Olathe, Kansas 66051

RE: RZ24-0011 Rezoning for Olathe Commons | Waiver Request #3 - Primary and Secondary material class requirements for single family and horizontally attached residential.

To whom it may concern,

On behalf of PeakMade Real Estate, please accept the following for Waiver request #3.

Waiver request to UDO Section 18.15.020.G.2 and 18.15.020.G.4. The UDO 18.15.020.G.2 requires 70% class A materials on primary facades and UDO 18.15.020.G.4 requires 70% Class 1 materials on primary facades and no less than 50% on secondary facades.

In an effort to create a natural harmony between the required single family and horizontally attached residential designs within the community, we are proposing the following additional elements to our design with the intention to create a cottage/farmhouse look. Part of the challenge of mixing product like this within one community is the vast difference in requirements between single family detached and horizontally attached. Additionally, the UDO removes the ability for a community to conform to certain architectural designs like cottage/farmhouse without a successful waiver.

On the single family detached residential, we are proposing to wrap the brick/stone water table down the sides of the homes to create a cleaner, consistent and more classic look. We are also proposing to include dormers with metal roofs where applicable, covered porches, and faux windows. Wrapping the brick elements down the side of the homes softens the overall look and raises the overall aesthetic. The proposed front facades provide 35% (A2), 48% (A3), and 54% (A3G) of class A materials with the interior sides providing an additional 22 to 38% of class A materials depending on unit type.

On the horizontally attached, we are proposing garage doors with transom windows, metal roofs over entry ways, architectural dormers where applicable, raising roof plates with decorative brackets, and bay windows/cantilevers. The proposed front facades provide a minimum of 50%, 56%, 53%, and 53%, of class 1 materials with secondary sides providing 70%, 61%, 62%, and 56% of class 1 materials.

The approval of this waiver will allow the creation of a fresh design within the community that will be more in line with historical architectural norms. No adjacent neighbors or neighborhoods will be impacted or endangered by this waiver and the public will not suffer any loss or inconvenience.

We hope the provided responses are sufficient for our rezoning application and please let us know if anything else is needed.

Thanks