

REQUEST FOR WAIVERS
(175th & Lone Elm | Lineage Logistics)

A. Summary of Requested Waivers

In accordance with Olathe UDO Section 18.40.240, the applicant hereby respectfully requests waivers from the following provisions of the UDO for the reasons described below:

1. A waiver from UDO Section 18.15.020(G)(10)(a)(3) and Section 18.15.020(G)(10)(b)(1)(a) to permit the quantities of clear glass as shown on the submitted elevations.
2. A waiver from UDO Section 18.15.020(G)(10)(4) to permit the building and exterior façade design—including, but not limited to, the number, width, and material/color of the vertical bays, and such horizontal and vertical articulation (if any)—as shown on the submitted plans and elevations.

B. Applicable Code Sections & Site/Project-Specific Conditions

The applicant states as follows in support of the above request:

- (1) Exterior Building Materials (Glass) | All Primary Façades. UDO Section 18.15.020(G)(10)(b)(1) requires: (i) primary facades to include either two (2) Class 1 materials or a combination of Class 1 and Class 2 materials on at least seventy-five (75) percent of the façade, *with a minimum of 15% clear glass on the first floor*; and (ii) that class 4 materials not exceed 25% of any primary facade. Section 18.15.020(G)(10)(a)(3) similarly requires that a minimum 15% clear glass be incorporated on first floor primary facades. Due to the specialized design of this Class A refrigerated warehouse facility, the applicant must use materials with highly efficient structural and insulating properties, which significantly limits the locations and quantities of glass.¹ However, the applicant is offsetting the waiver with a high-quality alternative design, including exclusive use of Class 1 materials on all facades, significant glazing and other architectural features on the east ‘office’ elevation, an enhanced color scheme and defined vertical elements on the west street-facing elevation, and extensive landscaping and berms. This alternative design achieves the intent of Section 18.15.020(G)(10) by providing appropriate breaks and avoiding long monotonous facades, particularly on the west street-facing elevation parallel to Lone Elm.
- (2) Façade Articulation | All Primary Façades. UDO Section 18.15.020(G)(10)(a)(4) establishes various articulation standards for industrial buildings, including that: (i) division of each primary façade into vertical bays no wider than 100 feet, differentiated by changes in roofline, entryway design, or material/color (as applicable); (ii) tower elements or other vertical articulation on buildings under three stories; (iii) wall offsets, notches, or projections (as those terms are described in Section 18.15.020(G)(10)(a)(4)(a)) on each vertical bay required; and (iv) variation in height

¹ The applicant is proposing approximately the following percentages of glass, as more particularly described on the elevations submitted in connection with the pending applications on file with the City: 18.25% glass on the east ‘office’ elevation; 0.03% glass on the south elevation (deemed primary due to accommodating the City’s request that the southern internal drive be dedicated as public); and no glass is proposed on the west elevation (primary), north elevation (secondary), or east (non-office) elevation (secondary).

and/or roof form (as those terms are described in Section 18.15.020(G)(10)(a)(4)(b)) on each vertical bay required on primary facades. The proposed state-of-the-art automated freezer facility must at all times be kept at or below -5° F, which significantly constrains the design and material selection. To achieve this thermal integrity, only specific insulated panel systems can be used, and those systems cannot be pierced or altered without compromising performance. Although the proposed building cannot fully comply with the articulation requirements due to these constraints, the project offers an enhanced alternative design, including Class 1 materials throughout, significant glazing and variation on the east 'office' elevation, decorative color scheme and vertical elements on the west street-facing elevation, and strategic berming and landscaping. These elements collectively provide a clean, modern, high-quality design that aligns with the intent of Section 18.15.020(G)(10).

C. Justification & Supporting Factors

The approving authority may approve the waiver if the applicant demonstrates one (1) or more of the following and the areas proposed for modification are 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 proposed design meets the intent of the UDO's design standards. Despite the operational constraints of maintaining sub-zero temperatures, the applicant is delivering a visually attractive building and high-quality alternative design that uses Class 1 materials throughout and incorporates vertical elements on the west (public street-facing elevation) and substantial glass and other entryway features on the east 'office' elevation along with an extensive landscaping package. Granting the waivers will not negatively impact any adjoining properties and will instead enable the project to move forward and deliver substantial private investment and a new long-term asset in Olathe, consistent with the City's Comprehensive Plan.

- (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 Comprehensive Plan designates the project site and adjoining properties for development as a major "Employment Area". The alternative high-quality design concept, coupled with the setbacks and extensive landscaping package proposed, will result in a building and site arrangement in which nearby residential properties (if any) will not be negatively impacted by the requested waivers.

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

RESPONSE: The existing mature trees, combined with proposed berms, landscaping, and setbacks will provide appropriate screening and buffers for adjoining properties.

- (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: Adjoining properties will not be negatively affected by granting the requested waivers, which will instead enable the project to move forward and bring substantial private investment, job creation, and other direct and indirect benefits along with it, and thereby advance and promote the general and economic welfare of the City as a whole. The park to the north, while technically zoned RP-1, functions as a more intensive use and civic/recreational facility—regularly hosting youth sports tournaments and league play that generate traffic and other impacts commensurate with the latter. The adjoining properties to the south, east, and west are all currently zoned County RUR (which does not constitute a ‘residential district’ or ‘residential area’ as defined in the UDO) and contemplated for future development as part of a larger employment/industrial area, as mentioned above. All are appropriately buffered for the proposed uses, and as such, adjoining residential properties (if any) will not be negatively impacted by the requested waivers.

- (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, [and] (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: Strict compliance would impose unnecessary hardship upon the property owner and applicant by effectively preventing the project from moving forward, thereby depriving the City of the significant private investment, job creation opportunity, and broader economic benefits expected to be generated by the project. The proposed alternative design, through its use of Class 1 materials throughout, enhancements on the west (public street-facing) and east ‘office’ elevations, and strategically-placed berms and extensive landscaping package, will deliver a high-quality exterior design aesthetic both compatible with the proposed use and that respects the goals of the UDO’s design standards. No private rights will be injured or endangered by the requested waivers, nor will the public suffer a loss or inconvenience thereby, and—in justice to the applicant—the requested changes should be granted.

D. Conclusion

The requested waivers reflect necessary accommodations for a facility with highly specialized operational demands, and are paired with an intentional, high-quality design that meets the underlying goals of the UDO. This approach allows the project to move forward in a manner that maintains architectural integrity while supporting the City’s vision for thoughtful, employment-oriented industrial development in this area.

[Remainder of Page Intentionally Blank]