



February 21, 2024

**Re: Waiver Request #1: Exterior Building Materials
Evergreen Senior Living, Olathe, KS**

Requirement: UDO Section 18.15.020.G.5.b (1) & (2):

G. 5. b. Exterior Building Materials
(1) Primary Façades
(a) Must use no less than three (3) different Class 1 <u>building</u> finish materials on no less than seventy (70) percent of the surface area of each <u>primary façade</u> with a minimum of twenty (20) percent clear glass.
(b) Class 4 materials must not comprise more than five (5) percent of any <u>primary façade</u> .
(2) Secondary Façades
(a) Must use either two (2) materials from Class 1 or a combination of two (2) materials from Class 1 and Class 2 on no less than fifty (50) percent of the façade with a minimum of ten (10) percent clear glass.
(b) Class 4 materials must not comprise more than five (5) percent of any <u>secondary façade</u> .

Request:

Decrease the minimum percent required of Class 1 and Class 2 materials for both Primary and Secondary Facades per the following:

Approval Criteria (18.40.240.D.2):

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

The waiver request is accompanied by a higher level of design for the development as listed:

- **The following additional architectural features have been included to enhance the design of the Project:**
 - **Multiple siding patterns.**
 - **Stained wood beams and trusses at the main entrances.**
 - **Stained or painted wood brackets and accent 'eyebrow' roofs at secondary entrances and some windows.**
 - **Stained or painted shutters where located in the elevations.**
 - **A large clerestory located in the Village Center.**
 - **Multiple courtyards w/ outdoor walks and features.**

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."

- The buildings within the Project are set back from the east, south and west property lines per the following:
 - West property line (S. Ridgeview Road): approx. 332'-0"
 - South property line: approx. 41'-0"
 - East property lines: approx. 52'-0"
- The building heights and overall floor areas within the Project are low scale and conform to the zoning code without waiver or variance.

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

- A significant tree canopy currently exists along the east and south property lines, as well as the southwest property line. The trees will not be disturbed during construction and will continue to be a substantial, natural buffer screen for the properties adjoining the site.

d. "Significant [buffers](#) are provided on [adjoining](#) residential properties and those properties will not be negatively impacted by any change in the applicable regulations."

- An existing 40'-0" tree preservation easement between the Project and the residential subdivision to the east will be preserved and undisturbed.
- The nearest corner of the Project is approx. 52'-0" from the east property line.

e. "The regulations impose 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:

(1) No private rights will be injured or endangered by the [waiver](#).

- Decreasing the use of Class 1 and Class 2 materials will not cause private rights to be injured or endangered by the waiver.

(2) The public will suffer no loss or inconvenience thereby and that in justice to the [applicant](#) or applicants the [application](#) should be granted."

- As a not-for-profit, construction costs have to stay within a tight budget in order for the project to remain feasible & affordable to the consumer - the residents of Olathe.
- Allowing the construction of the Project with a lower percentage of Class 1 and Class 2 materials will not cause the public to suffer loss. Instead, the public will gain a much-needed affordable senior housing facility that will help serve the needs of the surrounding community for years to come.



February 21, 2024

**Re: Waiver Request #2: Exterior Building Materials
Evergreen Senior Living, Olathe, KS**

Requirement: UDO Section 18.15.020.G.5.b (1) & (2):

G. 5. b. Exterior Building Materials	
(1) Primary Façades	
(a)	Must use no less than three (3) different Class 1 building finish materials on no less than seventy (70) percent of the surface area of each primary façade with a minimum of twenty (20) percent clear glass.
(b)	Class 4 materials must not comprise more than five (5) percent of any primary façade.
(2) Secondary Façades	
(a)	Must use either two (2) materials from Class 1 or a combination of two (2) materials from Class 1 and Class 2 on no less than fifty (50) percent of the façade with a minimum of ten (10) percent clear glass.
(b)	Class 4 materials must not comprise more than five (5) percent of any secondary façade.

Request:

Increase the percentage of Class 4 materials (composite wood siding and trim) for both Primary and Secondary Facades per the following:

Approval Criteria (18.40.240.D.2):

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

The waiver request is accompanied by a higher level of design for the development as listed:

- **Multiple siding patterns:**
 - **Composite wood:** Lap & shake siding, trim around windows, eaves and soffits.
 - **Fiber Cement:** Board & batten siding.
- **The following additional architectural features have been included to enhance the design of the Project:**
 - **Stained wood beams and trusses at the main entrances.**
 - **Stained or painted wood brackets and accent 'eyebrow' roofs at secondary entrances and some windows.**
 - **Stained or painted shutters where located in the elevations.**
 - **A large clerestory located in the Village Center.**
 - **Multiple courtyards w/ outdoor walks and features.**



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."

- The buildings within the Project are set back from the east, south and west property lines per the following:
 - West property line (S. Ridgeview Road): approx. 332'-0"
 - South property line: approx. 41'-0"
 - East property lines: approx. 52'-0"
- The building heights and overall floor areas within the Project are low scale and conform to the zoning code without waiver or variance.

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

- A significant tree canopy currently exists along the east and south property lines, as well as the southwest property line. The trees will not be disturbed during construction and will continue to be a substantial, natural buffer screen for the properties adjoining the site.

d. "Significant [buffers](#) are provided on [adjoining](#) residential properties and those properties will not be negatively impacted by any change in the applicable regulations."

- An existing 40'-0" tree preservation easement between the Project and the residential subdivision to the east will be preserved and undisturbed.
- The nearest corner of the Project is approx. 52'-0" from the east property line.

e. "The regulations impose 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:

(1) No private rights will be injured or endangered by the [waiver](#).

- The use of composite wood siding and trim will not cause private rights to be injured or endangered by the waiver.
- Once painted, composite wood siding looks identical to cement board siding, therefore, an undue hardship would be incurred if required to use cement board siding.

(2) The public will suffer no loss or inconvenience thereby and that in justice to the [applicant](#) or applicants the [application](#) should be granted."

- The multiple yearly freeze-thaw cycles throughout the midwest region are hard on fiber cement siding in horizontal applications. When applied horizontally, the boards will eventually sag due to the freeze-thaw cycles. This has happened on previous projects, forcing us to remove the horizontally-applied fiber cement siding and replacing with composite wood siding. As a not-for-profit, ongoing maintenance costs have to stay within a tight budget in order for the project to remain feasible and affordable to the consumer.



- **Using multiple siding patterns (lap, shake and board & batten) combined with the use of the architectural features outlined in Item A, above, will create a high-end residential look, complimenting the adjacent residential neighborhood.**
- **Once painted, composite siding looks identical to cement board siding.**
- **Allowing the construction of this Project with a higher percentage of composite wood siding will not cause the public to suffer loss. Instead, the public will gain a much-needed affordable senior housing facility that will help serve the needs of the surrounding community for years to come.**