



Ms. Jessica Schuller
City of Olathe Kansas
100 E. Santa Fe Street
Olathe, KS 66061

March 20, 2024

RE: RZ23-0009: Rezoning and Preliminary Site Development Plan for Intermodal Industrial Park

Dear Jessica:

In connection with the above referenced submittal, please accept the following requested waivers pursuant to Olathe UDO Section 18.15.020.G.10.

1. Horizontal Articulation of Dock Walls: Per UDO 18.15.020.10.a(4) primary facades are required to have horizontal articulation.
2. Minimum Percentage of Glass: Per UDO 18.15.020.10.4.b(1) primary facades are required to be provided with a minimum of 15% glass.
3. Landscape Buffer Area: Per UDO 18.15.130.C a 50 ft landscape buffer area or a 20' landscape buffer area with a fence/wall is required where the development abuts an arterial street.

Waiver 1 – Horizontal Articulation of Dock Walls

The design standards require primary facades with horizontal articulation.

We are proposing a building design that includes the required vertical articulation and the horizontal articulation at all facades except for the loading dock portions of the buildings. Walls that incorporate horizontal articulation within the loading dock door areas impose costly and atypical conditions for this type of building and its future occupants. These dock walls are significantly screened with topography, landscaping and a screen wall which provide an appropriate buffer of the facades that face a public street.

- a. An alternative higher quality development design with no negative impacts to either residential or nonresidential properties.
- 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.
- c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.
- d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

- e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative and alternative site design, building design and building arrangements area not possible. In such instances, findings shall be prepared that:
 - 1. No private rights will 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.

Waiver 2 – Minimum Percentage of Glass

The design standards require 15% of primary facades to be provided with glass.

We are proposing a building design that includes 15% for facades that do not include dock walls and 8% glass for the facades that include loading docks. The loading dock facades include a generous amount of glass at the areas where a future office could be located. Numerous clerestory windows are also provided in the upper portion of the dock walls. Loading dock walls on this type of building traditionally does not contain glass for security and functionality purposes.

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- c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.
- d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.
- e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative and alternative site design, building design and building arrangements area not possible. In such instances, findings shall be prepared that:
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Waiver 3 – Minimum Setback Where Abutting an Arterial Street Along I-35

Site Design Category #6 requires one of the following landscaping strategies to be used within the required minimum setback area on the edges of an industrial site that directly abuts an arterial street or any nonindustrial zoning district.

- 1. A landscaped area at the sidewalk edge that is at least fifty (50) feet deep with a minimum of seventy (70) percent porous/permeable surfaces and fifty (50) percent planted material.
- 2. A landscaped area of at least twenty (20) feet between the sidewalk edge and a fence or wall with a minimum of seventy (70) percent porous/permeable surfaces and fifty (50) percent planted material. A fence or wall must be located within the landscape area and include posts, columns, and/or pedestrian gateways a minimum of every one hundred (100) feet.

We are proposing that the landscape requirement be revised to a 20' landscape buffer without the need for a fence or wall along I-35. The intent of the code is to provide a large landscape buffer (50' minimum) between public arterial streets from industrial developments. The right of way in this case is Interstate 35. Typically, the edge of pavement of an arterial is approximately 10' from the R/W. In this case, the edge of the I-35 shoulder is approximately 85 ft from the R/W. Provided a 20' landscape buffer results in a total

buffer from edge of I-35 shoulder to edge of proposed private pavement equal to 105'. Additionally, a row of giant green arborvitae will be planted within the 20' landscape buffer. We feel this meets the intent of the code.

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- c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.
- d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.
- 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.
 - 2. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

Sincerely,

Daren Aldag, Development Manager
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