

WAIVER REQUEST
Midland Care, Olathe, KS
February 19, 2024

WAIVER REQUEST #1:

Requirement (UDO Section Table 18.20.260.C.):

C. Design Guidelines

Development within the North Ridgeview Road Corridor Overlay District shall be subject to the design guideline standards for the North Ridgeview Road Corridor Area adopted pursuant to Resolution No. 01-1181 or amendments thereto. (Ord. 02-54 §2, 2002)

CITY OF OLATHE, KANSAS

**GUIDELINES FOR NON-RESIDENTIAL DEVELOPMENT IN THE
NORTH RIDGEVIEW ROAD CORRIDOR**

FROM PAGE 2

Site Design Criteria

- a. The parking and paving setback should be a minimum of thirty feet (30 ft.) from the right-of way (ROW) of any public street or highway.

Request:

Reduce parking and paving setback to 18 feet along Ambassador Street.

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 design for the development as listed:

- *The reduction in the setback allows the site improvements to be held further off the east property line and allows for more separation from the existing residential properties to the east and the preservation of the trees along the east property line.*
- 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 adjoining residential properties will benefit from the change to the regulations by having more separation from their properties to the building and site improvements. Tree preservation along the east property line is also possible because of this change to the regulation.*

- *The change from the previous zoning of BP to C-3 allows for lower scale buildings.*

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

- *The reduction in paving and parking setback allows for the existing trees along the east property line to remain.*

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

- *The reduction in paving and parking setback allows for the existing trees along the east property line to remain.*

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."

- *The parking and paving regulation of the North Ridgeview Overlay district would impose an unnecessary hardship to the property owner, because it wouldn't allow them to build the size of building and parking lot needed for their operation.*
- *There will not be any private rights endangered by the waiver.*
- *The public will have no loss or inconvenience by the waiver.*

WAIVER REQUEST
Midland Care, Olathe, KS
February 19, 2024

WAIVER REQUEST #2:

Requirement (UDO Section Table 18.20.260.C.):

C. Design Guidelines

Development within the North Ridgeview Road Corridor Overlay District shall be subject to the design guideline standards for the North Ridgeview Road Corridor Area adopted pursuant to Resolution No. 01-1181 or amendments thereto. (Ord. 02-54 §2, 2002)

CITY OF OLATHE, KANSAS

**GUIDELINES FOR NON-RESIDENTIAL DEVELOPMENT IN THE
NORTH RIDGEVIEW ROAD CORRIDOR**

FROM PAGE 4

- u. Parking areas for businesses should not exceed one hundred twenty-five percent (125%) of the minimum required off-street parking requirements of the Unified Development Ordinance (UDO).

Request:

Allow the number of parking stalls to exceed the minimum required off-street parking requirements and allow up to 105 parking stalls.

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 design for the development as listed:

- *The parking for the site is held back 90 feet from College Boulevard and the majority of the parking is located on the opposite side of the building from College Boulevard and internal to the commercial development.*
- 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 change from the previous zoning of BP to C-3 allows for lower scale buildings and a lower impact land use and not negatively impact the adjoining residential properties.*
- c. "Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties."

- *The parking lot sits lower than the residential properties to the east. There is also a retaining wall with the site and parking being on the low side of the wall and the adjacent residential properties being on the high side of the wall. The topography will help screen the parking lot and lights from the cars.*
 - *There is a continuous row of trees between the parking lot and the adjacent residential properties that will help screen the parking lot.*
- d. "Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations."
- *There is a continuous row of trees between the parking lot and the adjacent residential properties that will help screen the parking lot. The tree line will not be negatively impacted by the additional parking.*
- 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."
- *The restriction of the maximum parking of the North Ridgeview Overlay district would impose an unnecessary hardship to the property owner, because it wouldn't allow them have the number of parking stalls they need for daily operations of their business. The UDO doesn't have an exact minimum parking required category that fits this type of business. While the operation is closest to a medical office / clinic, there is also a community center in the building for the daily guests. There are also drivers for the vans that operate to bring elderly from their homes to the business that require parking stalls for their cars. The business owner has several other of the same businesses operating and have know that their operation will need the additional parking to operate properly.*
 - *There will not be any private rights endangered by the waiver.*
 - *The public will have no loss or inconvenience by the waiver. Not providing this waiver could cause an inconvenience to the public if parking spills out to the street or other adjacent parking lots.*