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April 27, 2026

VIA ELECTRONIC MAIL

RE: NEW SPECULATIVE WAREHOUSE BUILDINGS #5 & #6,
I-35 LOGISTICS PARK / CASE #PR26-0009

Dear Nathan Jurey,

In connection with the above referenced preliminary development plan submittal, please accept the following requested Waivers pursuant to Olathe UDO Section 18/40/240.D.(2):

1. Windows: Per UDO Section 18.15.020.G.10.a(3), primary facades must incorporate a minimum of 15% glass.
2. Facade Articulation: Per UDO Section 18.15.020.G.10.a(4), 4' of height variations are required along the building roof line and horizontal articulations (via offset, notch, or projection) are required along primary facades.
3. Building Materials: Per UDO Section 18.15.020.G.10.b(1), there are specific material requirements for primary and secondary facades.

The primary facades of the buildings are as follows:

- For Bldg. 5 the primary facades are the east, west, north, and south elevations.
- For Bldg. 6 the primary facades are the east, west, and north elevations.

Waiver 1 – Windows – Approval Criteria

We are required to have 15% glass on all primary facades. We are instead proposing to provide 6-13% glass on primary facades as shown on the building elevations.

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

Response: The Class 3 material (which is cast-in-place concrete panels) that we are proposing has been improved with form liners on large portions to elevate the aesthetic and classification to Class 2. We are also including more paint colors than necessary - to further enhance the design aesthetic. We feel that we have proposed a very aesthetically pleasing building design, which demonstrates that modest modification to the percentage of glass still maintains the community's high design standards. Additionally, there are no residential properties nearby to be affected by this.



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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

Response: The regulations here would create excessive hardship for the property owner by requiring a burdensome quantity of glass be added to the buildings. This not only creates an economic burden for the applicant (which would make our project less economically competitive against developments in neighboring cities), but it would also severely hinder the functionality of the buildings, thereby making it harder to lease the buildings. Industrial users do not want excessive quantities of glass, as it creates safety/insurance issues (due to forklift operations and other machinery), glare issues (for users with sensitive production uses), and/or security issues (many users operate under NDAs that would require them to block windows).

We feel that we have proposed very aesthetically pleasing building designs, which demonstrate that additional glass is not needed to maintain the high community design standards. Permitting less than 15% glass would in no way injure or endanger private rights, nor will the public be adversely affected. Additionally, this design is consistent with our approved building next door, and we feel it is important for the overall look of the park to have design consistency.

Waiver 2 – Façade Articulation – Approval Criteria

The ordinance requires 4’ of vertical variation every 100’ and horizontal articulation (via offset, notch, or projection) along all primary façades. We are instead proposing to provide 2’ of vertical variation at 54’ intervals –with no horizontal articulation along the loading dock portion of the primary façades.

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

Response: By providing 2’ of vertical variations at 54’ intervals, our design will include more total vertical variations than required. Additionally, there are no residential properties nearby to be affected by this.

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:



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- (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

Response: While we have only provided 2' of height variation rather than 4', we feel that the more modest height variation looks better, especially when paired with the additional architectural features we have included (such as depth variation and the greater number of total variations). Regarding the horizontal articulation requirements, we are unable to satisfy that requirement on the primary façades with loading docks because those are functioning truck courts and horizontal articulation would create an operational issue for Industrial tenants. This would impact on our ability to lease the premises. We satisfy the horizontal articulation requirements where we can - at the ends of the façades.

We feel that we have proposed very aesthetically pleasing building designs, which demonstrate that modest modification to building articulation still maintains the community's high design standards. Allowing this variation would in no way injure or endanger private rights, nor will the public be adversely affected. Additionally, this design is consistent with our approved building next door, and we feel it is important for the overall look of the park to have design consistency.

Waiver 3 –Building Materials – Approval Criteria

The design standards require all primary building facades to be a combination of 75% Class 1 and Class 2 materials. We instead propose providing a combination of 92 - 99% Class 1, Class 2, and Class 3 materials on all primary and secondary facades.

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

Response: The Class 3 material (which is cast-in-place concrete panels) that we are proposing has been improved with form liners on large portions to elevate the aesthetic and classification to Class 2. We are also including more paint colors than necessary - to further enhance the design aesthetic. Overall, we feel the building facades will present as an arrangement of multiple high-quality materials. Additionally, there are no residential properties nearby to be affected by this.

- 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:



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- (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

Response: These regulations would create excessive hardship for the applicant by requiring a burdensome quantity of costly and atypical materials be used for construction (relative to the rest of the KC Metro Industrial Market). This would create a significant economic burden for the applicant, which would make our project significantly less competitive against developments in neighboring cities. Unfortunately, adding more of these materials would have no impact on the marketability of the project, so there is no marketing upside to balance the economic downside.

We feel that we have proposed very aesthetically-pleasing building designs, which demonstrate that our proposed materials allow us to maintain the community's high design standards. Permitting this variation would in no way injure or endanger private rights, nor will the public be adversely affected. Additionally, this design is consistent with our previous building, and we feel it is important for the overall look of the park to have design consistency.

Thank you for your consideration of these requests.

Sincerely,

Cam Duff

Director of Development