

February 19, 2026

Nathan Jurey, AICP, Senior Planner
City of Olathe
Planning Division
100 E Santa Fe Street
Olathe, KS 66061

RE: **WAIVER REQUEST LETTER**
C-2 Zoning District – Site Design Category 5
Dillons – College Boulevard & Sunnybrook Boulevard

Dear Mr. Jurey:

On behalf of the developer/applicant, Dillons Food Stores (c/o Michael Rokas), and the property owner, Leonard B. & Eulalia E. McKinzie Family Trust, LLC (c/o Mark McKinzie), this letter is submitted to request waivers from specific dimensional and architectural standards within the C-2 Zoning District pursuant to UDO Section 18.40.240, in conjunction with the proposed Dillons grocery store and fuel center development within the Sunnybrook Business Park – 4th Plat.

The subject property consists of approximately 12.19 acres and is identified as Lot 1 of the proposed Sunnybrook Business Park – 4th Plat, located within Site Design Category 5. The proposed development includes a ±99,000 square-foot grocery store, a fuel station with canopy and associated kiosk, and supporting site improvements. The project includes requested waivers related to maximum building footprint, primary façade glazing, and trash enclosure screening, as described below.

Waiver Request #1 – Maximum Building Footprint

UDO Reference: UDO 18.20.140.B – C-2 District Dimensional Standards (Column 1)
Standard: Maximum building footprint of 85,000 square feet

Request

Approval of a waiver from the UDO maximum building footprint of 85,000 square feet to allow a maximum building footprint of 100,000 square feet.

Justification

The proposed grocery store building has a footprint of approximately 99,000 square feet (just under 100,000 square feet), which exceeds the maximum footprint permitted in the C-2 District

Operational Need:

Dillons recently reduced its prototypical store footprint from approximately 123,000 square feet to approximately 99,000 square feet. Significant effort was devoted to redesigning this format to achieve the most efficient layout possible while remaining just under 100,000 square feet. Any additional reduction would fall below operational thresholds necessary to support a modern full-service grocery store.

A smaller footprint would require major reconfiguration of the building program that materially affect:

- Supply chain and back-of-house operations, which rely on standardized layouts to manage inventory, deliveries, and food safety requirements efficiently.
- Customer circulation and merchandising, which are designed to accommodate full grocery offerings, including fresh foods, pharmacy, e-commerce, and other essential services.
- Labor efficiency and operating costs, as smaller footprints materially impact staffing models and long-term economic viability.

Accordingly, the proposed footprint reflects the minimum operationally viable format.

Mitigation of Building Mass:

Greater-than-required setbacks along College and Sunnybrook, a furnished pedestrian amenity area west of the building, and enhanced landscape screening beyond minimums work together to reduce the building's perceived scale and soften views of parking and building mass from the street.

Exceeding Material Standards:

The primary building façades incorporate 90–92 percent Class 1 and Class 2 materials, significantly exceeding the UDO requirement of 80 percent. High-quality brick, stone veneer, decorative CMU, and architectural metal panels are used extensively to reinforce a durable, long-term architectural character.

Landscaping & Screening:

Street trees are provided at approximately 40-foot spacing along street frontages, and parking areas are screened with landscaping designed to achieve 3- to 4-foot visual screening. Service and utility areas are screened with a combination of landscaping and architectural treatments compatible with the building design.

Minimum Relief Statement:

The requested waiver represents the minimum relief necessary to accommodate the building program while still delivering a high-quality, context-sensitive development consistent with the intent of the C-2 District and Site Design Category 5 standards.

Waiver Request #2 – Primary Façade Glazing Requirement

UDO Reference: UDO 18.15.020.G.7.b.1 – Primary Façade Glazing Requirement

Standard: Minimum of 25 percent first-floor glazing on primary façades

Request

Approval of an architectural waiver from the UDO requirement that primary façades provide a minimum of 25 percent first-floor glazing.

Specifically, the applicant requests approval to allow:

- 5 percent first-floor glazing on the RIGHT (WEST) primary façade in lieu of the required 25 percent; and
- 0 percent first-floor glazing on the REAR (SOUTH) primary façade in lieu of the required 25 percent.

This waiver request applies only to the RIGHT (WEST) and REAR (SOUTH) primary façades.

For this one-story building, the first-floor façade area was calculated as 22 feet (floor to ceiling) in accordance with City guidance, and the glazing percentages are based on that first-floor façade area.

Justification

The submitted architectural elevations and first-floor glazing calculations demonstrate that the RIGHT and REAR primary façades do not meet the minimum 25 percent first-floor glazing requirement.

Operational Need:

Glazing is limited along the RIGHT (WEST) and REAR (SOUTH) primary façades because these elevations serve back-of-house functions located directly against the exterior walls. The WEST façade fronts restrooms and deli/produce prep and cooler areas requiring continuous wall area for equipment, utilities, and controlled environments. The SOUTH façade is the primary loading/service elevation, where glazing is impractical and would conflict with dock operations, safety, and performance requirements.

Simulated Window Rhythm:

Brick and other façade materials are detailed to create a repeating vertical rhythm and visual breaks comparable in scale and spacing to typical glazing modules.

Exceeding Glazing at the Primary Customer-Facing Façade:

The FRONT (NORTH) primary façade provides 34 percent first-floor glazing, exceeding the 25 percent requirement. This concentrates transparency at the most publicly visible and pedestrian-oriented frontage and supports the intent of the standard where it has the greatest impact.

Exceeding Material Standards:

The design exceeds UDO material requirements, incorporating 90 percent or greater Class 1 and Class 2 materials on primary façades.

Enhanced Articulation:

The elevations include articulation, changes in plane, and offsets that reduce the appearance of large wall expanses and create a more pedestrian-scaled façade.

Targeted Transparency:

Transparency is incorporated at key customer-oriented locations, including the primary entry, where glazing provides the greatest functional and visual benefit.

Minimum Relief Statement:

The requested waiver represents the minimum relief necessary to accommodate the operational requirements of a modern grocery store while still achieving the underlying intent of the glazing standard—visual interest, pedestrian scale, and façade variation—to the greatest extent practical.

Waiver Request #3 – Trash Enclosure Screening

UDO Reference: UDO 18.30.130.I.4 – Trash Container/Compactor Screening

Standard: Trash enclosures screened on all four sides, with gate access

Request

Approval of a waiver to allow the trash compactor enclosure to be screened on fewer than four sides.

Justification

The trash compactor is located within the rear service area of the building, positioned away from public streets and customer areas, and integrated into the overall loading and service zone.

The enclosure is fully screened on the south and east sides and partially screened on the north side. The west side remains open to the loading dock maneuvering area. Additionally, there is no visible or exposed trash associated with the compactor; trash is loaded from inside the store through a chute into the compactor.

Operational & Safety Constraints:

Providing a gate or wall on the west side would conflict with truck maneuvering patterns required for safe and efficient service operations. The truck operator does not leave the cab to pick up and haul away the compactor; adding a gate would require pedestrian activity within an active truck loading area. Trash and recycling trucks must back directly to the compactor for servicing. A gate in this location would be subject to frequent impact and damage, creating ongoing maintenance and safety concerns. Constructing a permanent wall between the compactor and dock area would similarly interfere with truck access and turning movements.

Intent of Screening Maintained:

The compactor is located within the rear service area and is set approximately 200 feet east of the westernmost building corner, placing it well within the dock and service zone rather than near customer-facing areas. Screening walls are provided on multiple sides and are constructed with a Class 2 material. In addition, landscape berming and enhanced planting along the adjacent travel way help soften views and reduce the prominence of the service function. These measures minimize visual impacts to the extent practical while maintaining safe and functional truck access.

The requested waiver represents the minimum relief necessary to accommodate safe and functional service operations while still providing practical screening and visual buffering to reduce the prominence of the service function.

Waiver Request #4 – Loading Dock Doors Facing a Public Street

UDO Reference: UDO 18.15.020.G.7.a.2.a(2) – Garages and Overhead Doors

Standard: Garages and overhead/loading doors must not face a public street. If visible from a public street, the garage and overhead doors must be recessed a minimum of four (4) feet from the building façade line and be architecturally treated with a combination of glass windows, archways, columns, canopies, or overhangs.

Request

Approval of a waiver from UDO 18.15.020.G.7.a.2.a(2)(a) to allow garages and overhead/loading doors to face a public street. Specifically, the applicant requests approval to allow three (3) loading dock doors associated with grocery store operations to face a public street, as shown on the site plan and architectural elevations.

Justification

The three loading dock doors are required to support grocery store delivery and service operations, which rely on direct truck access and efficient maneuvering into a designated dock area. Relocating or reorienting the dock doors away from the street would significantly constrain truck circulation, reduce operational efficiency, and introduce potential safety conflicts within the site.

Architectural Treatment / Mitigation (UDO 18.15.020.G.7.a.2.a(2)(b))

Where visible from a public street, the loading dock door area is architecturally treated with a dedicated loading dock canopy as shown on the architectural elevations, which provides the canopy/overhang treatment consistent with the provisions of UDO 18.15.020.G.7.a.2.a(2)(b)

Additional Visual Mitigation

The visual presence of the dock area is further mitigated through:

- Building setbacks and site layout that place the dock area away from primary customer activity zones
- Architectural materials and façade treatments consistent with the overall building design
- Landscaping and screening elements that soften views toward the service area

Minimum Relief Statement:

The requested waiver represents the minimum relief necessary to accommodate essential grocery store loading operations while maintaining compatibility with the surrounding streetscape and the intent of Site Design Category 5 standards.

Waiver Approval Criteria (UDO Section 18.40.240.D)

The requested waivers meet the approval criteria of UDO Section 18.40.240.D in that they:

- Are necessitated by the operational, site design, and architectural characteristics of the proposed grocery store and fuel center;
- Remain consistent with the intent of the C-2 Zoning District and Site Design Category 5 standards;
- Will not be detrimental to adjacent properties or the public welfare; and
- Are supported by a comprehensive site design that includes enhanced landscaping, buffering, pedestrian-oriented spaces, and architectural materials that exceed minimum UDO standards.

We respectfully request the Planning Commission's consideration and approval of these waiver requests in conjunction with the Preliminary Development Plan. Please contact us if additional information is required or if there are any questions regarding this request.

Sincerely,



Tom Barnes, EI
Civil Engineer Intern
Pickering Firm, Inc.

cc: Dillons Food Stores (c/o Michael Rokas)
Leonard B. & Eulalia E. McKinzie Family Trust, LLC (c/o Mark McKinzie)