

Waivers:

We're respectfully requesting waivers for (2) items within the Olathe UDO:

- 1) Table 15-4, item B requires 25% transparent glass on the primary façade. Currently our primary facades (North and West) incorporate 16% transparent glass. The Department of Energy estimates heat gain/loss through windows account for 25%-30% of residential heating/cooling energy usage. Increasing the percentage of transparent glass will increase the financial burden on the residents and directly contradict the "affordable" mission of this development.

In an effort to offset the transparent glass deficiency, we've improved upon the required 70% usage of Category 1 materials on the Primary Facades and are proposing 73% and 74% Category 1 materials on the West and North Elevations. We're also greatly improving upon the required 50% usage of Category 1 materials on the Secondary Facades by proposing 75% Category 1 materials on the East and South Elevations.

In reference to the Olathe Ordinance 18.40.240, and as a result of this alternate higher quality development design, there will be no negative impacts to the residential property (18.40.240 D.a.) and the public will suffer no loss or inconvenience (18.40.240 D.e.(2)).

- 2) Table 15-4, item D requires residential finished floor elevations to be set a minimum of 18" above the sidewalk. If the requirement is for the finish floor to be 18" above the nearest public sidewalk, our current design appears to meet that requirement (final confirmation upon completion of Civil grading plan). However, if the requirement is for the finish floor to be 18" above the sidewalk adjacent to the building's entry then we cannot comply due to the Federal Fair Housing Act, Americans with Disabilities Act (ADA), and the Uniform Federal Accessibility Standards (UFAS) which are all applicable to this development. Essentially the referenced standards require an accessible route (no changes in level greater than 1/4" and strict limitation on slope) between the public way, accessible parking etc. and the building/unit entries.

In reference to the Olathe Ordinance 18.40.240, this item shows the public will suffer no loss or inconvenience (18.40.240 D.e.(2)).