

Tint World / PRE-18-0182
REQUEST FOR WAIVERS

In accordance with Olathe UDO Section 18.40.240, please see the following request for waiver:

Waiver #1. Section 18.15.040 (K) – Overhead Doors for Building Design Category D

Requirement: For overhead doors that are visible from a public street, include columns or similar architectural features that disguise the overhead doors by: (1) aligning along the outside edges of each overhead door; and (2) extending with the columns outside plane at least 4 feet from the primary building plane.

Request: Allow an overhead door on the east façade of the building.

The approving authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

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

RESPONSE: The applicant has provided architectural elements to disguise the overhead door and minimize the visual impact to the public right-of-way. The applicant has provided quality building material in excess of the amount required under the City's UD and has provided additional landscape screening at the northeast corner of the building to soften this area and visually draw interest away from the overhead door.

(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.

RESPONSE: There are no adjacent residential properties to be impacted by the requested deviation.

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

RESPONSE: Not applicable.

(d) Significant buffers are providing on adjoining residential properties and those properties will not be negatively impacted by a change in the applicable regulations.

RESPONSE: There are no adjacent residential properties to be impacted by the requested deviation.

(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:

(i) No private rights will be injured or endangered by the waiver.

(ii) 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 subject building and parking lot exist today and will be renovated which limits the applicant's ability to modify the site layout. The applicant has chosen to add overhead doors to a façade that is not highly visible from the public street and has taken special care to treat that façade with high quality building materials and provide architectural materials to further reduce the visibility of the overhead door. No private rights will be injured or endangered by the waiver and the public will suffer no loss or inconvenience with the granting of this waiver request.

Waiver #2. Section 18.20.150 (B) – Dimensional Standards for District C-3

Requirement: Parking/Paving location must be a minimum of 15 feet from street right-of-way.

Request: To allow a reduced setback of 10' feet from the Ridgeview Road street right-of-way.

The approving authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

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

RESPONSE: The subject building and parking lot exist today and will be renovated which limits the applicant's ability to modify the site layout. The applicant has provided quality building material in excess of the amount required under the City's UDO with no negative impacts to the 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.

RESPONSE: There are no adjacent residential properties to be impacted by the requested deviation.

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

RESPONSE: Not applicable.

(d) Significant buffers are providing on adjoining residential properties and those properties will not be negatively impacted by a change in the applicable regulations.

RESPONSE: There are no adjacent residential properties to be impacted by the requested deviation.

(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:

(i) No private rights will be injured or endangered by the waiver.

(ii) 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 City recently acquired additional right-of-way along Ridgeview Road and Santa Fe Street thereby decreasing the total land area of the subject property and thereby impacting the applicant's ability to meet the required setbacks for existing conditions. In addition, the applicant is providing the minimum required 25 feet drive aisle in this area to meet other UDO requirements. The granting of this waiver will not injure or endanger any private rights and will not cause the public to suffer any loss or inconvenience.