

Lone Elm Commerce Park / PR19-0032 and FP19-0038
REQUEST FOR WAIVERS

In accordance with Olathe UDO Section 18.40.240, please see the following request for waivers from Section 18.15.045 Building Design Category E:

- (1) Exterior Building Materials.** Section 18.15.045(E)-(F) provides that: (i) for primary facades, a minimum of 70% of Category 1 materials and a maximum of 30% of Category 2 materials is allowed; and (ii) for secondary facades, a minimum of 50% of Category 1 materials and a maximum of 50% of Category 2 materials is allowed. Due to the unique nature of this building as a state-of-the-art automated freezer facility, the applicant is limited to using materials with extremely efficient structural and insulating properties, and as a result, is proposing lower percentages of Category 1 materials and higher percentages of Category 2 materials.¹ As explained in greater detail below, however, the applicant is offsetting the requested waivers through the use of an alternative high-quality design concept, including increased vertical elements and enhanced color schemes on all four (4) facades. The applicant believes that the intent of Section 18.15.045(E)-(F), to provide appropriate breaks and avoid long monotonous facades, will be achieved with this alternative enhanced design.
- (2) Transparent Glass on Primary Facade.** Although Section 18.15.045(D) requires a minimum of 20% transparent glass on primary facades, as noted above, the applicant is limited to using materials with highly efficient structural and insulating properties due to the unique nature of this facility, which must at all times be kept at negative five (-5) degrees or below. The applicant is, therefore, proposing a lower percentage of transparent glass on primary facades,² but is offsetting the requested waivers through the use of an alternative high-quality design concept as further described below.

The approving authority may approve the above building materials waivers 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 believes that the proposed building design meets the intent of the Composite Building Design Category E standards. This building will be a state-of-the-art automated freezer facility that must at all times be kept at negative five (-5) degrees or below. The applicant is, therefore, extremely limited in the materials that can be utilized, as only those materials with very specific (and efficient) structural and insulating properties can be used to maintain the requisite thermal properties. Glass, for example—like most of the other Category 1 materials—does not have the necessary insulating properties

¹ The applicant is proposing approximately the following percentages for exterior building materials: (i) North Side (primary facade): 11.39% Class 1 materials and 88.61% Class 2 materials; (ii) South Side (primary facade): 55.88% Class 1 materials and 44.12% Class 2 materials; (iii) West Side (secondary facade): 34.20% Class 1 materials and 65.80% Class 2 materials; and (iv) East Side (secondary facade): 11.26% Class 1 materials and 88.74% Class 2 materials, all as more particularly described in the latest plans and elevations on file with the City.

² The applicant is proposing glass in approximately the following amounts: (i) North Side (primary facade): 0.95%; and (ii) South Side (primary facade): 0.95%, all as more particularly described in the latest plans and elevations on file with the City.

to maintain the required temperatures. Those can only be achieved by using the insulated architectural panels proposed by the applicant. It is equally important that these insulating properties be preserved and not compromised through the piercing or other manipulation of the exterior facades. Applying or mounting anything to the architectural panels greatly reduces the structural and thermal properties. Despite these constraints, the waivers requested above have been addressed in an alternative, but complementary, manner that both acknowledges the unique nature of the building as an automated freezer facility, and also respects the desired exterior design aesthetic. The insulated architectural panels will have decorative reveals, horizontal banding and vertical projections, for example, which will offer a clean and defined presence. The applicant is also enhancing the overall building design with increased vertical elements such as decorative light weight skin panels and piers, and enhanced color schemes on all four (4) facades, which will similarly help to add articulation. This alternative design will not have any negative impact to residential or nonresidential properties, and will instead result in an attractively-designed, graciously landscaped e-commerce facility in the City of Olathe. The applicant believes this alternative, high-quality design concept meets the intent of the Composite Building Design Category E standards to provide appropriate breaks and avoid long monotonous facades.

- (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: The applicant is enhancing the overall building design as described above, and also providing an extensive landscaping package and increased setbacks. The combination of these features will result in a building and site design arrangement in which the single adjoining residential property to the west will not be negatively impacted by the requested changes.

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

RESPONSE: A substantial row of existing, mature trees is present along the I-35 façade and will remain with the proposed development. This existing tree cover will be further augmented through the extensive landscaping package that the applicant is proposing around the entire facility, including enhanced fencing, berms, and additional trees to help provide an appropriate buffer for adjoining properties and rights-of-way.

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

RESPONSE: The single residential property that adjoins the site to the west is screened from the site by an existing pond and substantial, mature tree cover. When coupled with the extensive landscaping package and increased setbacks proposed by the applicant, these features will ensure that there are no negative impacts to this single residential property adjoining the site as a result of the requested changes.

- (e) The regulation imposes 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 applicant is proposing an alternative building design that—through the combination of increased vertical elements and enhanced colors schemes on all four (4) facades—meets the intent of the City’s design standards to avoid long monotonous facades and provide a visually-pleasing exterior design aesthetic. No private rights will be injured or endangered by the waiver, nor will the public suffer a loss or inconvenience thereby, and—in justice to the applicant—the requested changes should be granted.

In accordance with Olathe UDO Section 18.40.240, please see the following request for a waiver from Section 18.15.020:

- (1) Concealed Downspouts on Primary Facades.** Section 18.15.020(E)(9) prohibits “[e]xposed gutters and downspouts on primary facades[.]” The unique nature of this building, which must at all times be kept at negative five (-5) degrees or below, prohibits roof drains from being located inside the building or they would freeze. However, the applicant is offsetting the requested waiver by painting the Erickson-facing downspouts to blend in with the rest of the building, and by concealing the I-35 facing downspouts as requested by staff, both of which help meet the intent of Section 18.15.020(E)(9) to avoid having external downspouts serve as a focal point of the design.

The approving authority may approve the internal downspout 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 believes that the proposed building design meets the intent of the Building Design Standards for Industrial Buildings. This building will be a state-of-the-art automated freezer facility that must at all times be kept at negative five (-5) degrees or below, which—as noted above—prohibits roof drains from being located inside the building. The applicant has addressed the waiver requested above in an alternative, but complementary manner, however, in that the external downspouts on the Erickson-facing facade will be painted to blend in with the rest of the building, and those on the I-35 facing facade will be concealed as requested by staff. The applicant is also providing an extensive landscaping package and increased setbacks that will help provide an appropriate buffer for adjoining properties and rights-of-way. This alternative design will not have any negative impact to residential or nonresidential properties, and will instead result in an attractively-designed, graciously-landscaped e-commerce facility that meets the intent of Section 18.15.020(E)(9) to avoid having external downspouts serve as a focal point of the design.

- (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: The applicant is enhancing the overall building design as described above, and also providing an extensive landscaping package and increased setbacks. The combination of these features will result in a building and site design arrangement in which the single adjoining residential property to the west will not be negatively impacted by the requested changes.

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

RESPONSE: A substantial row of existing, mature trees is present along the I-35 façade and will remain with the proposed development. This existing tree cover will be further augmented through the extensive landscaping package that the applicant is proposing around the entire facility, including enhanced fencing, berms, and additional trees to help provide an appropriate buffer for adjoining properties and rights-of-way.

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

RESPONSE: The single residential property that adjoins the site to the west is screened from the site by an existing pond and substantial, mature tree cover. When coupled with the extensive landscaping package and increased setbacks proposed by the applicant, these features will ensure that there are no negative impacts to this single residential property adjoining the site as a result of the requested changes.

- (e) The regulation imposes 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:
- (iii) No private rights will be injured or endangered by the waiver.
 - (iv) 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 applicant is proposing an alternative building design that—through the combination of increased vertical elements and enhanced colors schemes on all four (4) facades—meets the intent of the City’s design standards to avoid long monotonous facades and provide a visually-pleasing exterior design aesthetic. No private rights will be injured or endangered by the waiver, nor will the public suffer a loss or inconvenience thereby, and—in justice to the applicant—the requested changes should be granted.

In accordance with Olathe UDO Section 18.40.240, please see the following request for a waiver from Section 18.15.045 Building Design Category E:

- (1) **Garage and Overhead Doors.** Section 18.15.045(H) provides that overhead doors for vehicular Access “[m]ay not be located on primary facade[s]”. The applicant is proposing to have the building’s loading docks face Erickson, however, in order to provide for the maximum possible efficiency with

respect to product flow and function, which are critical components to the successful operation of an automated freezer facility.

The approving authority may approve the building materials 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 believes that the proposed building design meets the intent of the Composite Building Design Category E standards to provide a visually-pleasing design. This building will be a state-of-the-art automated freezer facility that must at all times be kept at negative five (-5) degrees or below. Given the unique nature of the use in question, the building has been located on the site to allow for product flow and function in the building. Specifically, the loading dock, office, and freezer components are all laid out to allow for systematic product movement and human interface, which—after analyzing multiple options—was determined to be the most efficient design. The waiver requested above has been addressed in an alternative, but complementary manner, in that the applicant is enhancing the overall building design as described above, and also providing an extensive landscaping package and increased setbacks to provide an appropriate buffer to adjoining properties and rights-of-way. This alternative design will not have any negative impact to residential or nonresidential properties, and will instead result in an attractively-designed, graciously landscaped e-commerce facility that meets the intent of the Composite Building Design Category E Standards.

- (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: The applicant is enhancing the overall building design as described above, and also providing an extensive landscaping package and increased setbacks. The combination of these features will result in a building and site design arrangement in which the single adjoining residential property to the west will not be negatively impacted by the requested changes.

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

RESPONSE: A substantial row of existing, mature trees is present along the I-35 façade and will remain with the proposed development. This existing tree cover will be further augmented through the extensive landscaping package that the applicant is proposing around the entire facility, including enhanced fencing, berms, and additional trees to help provide an appropriate buffer for adjoining properties and rights-of-way.

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

RESPONSE: The single residential property that adjoins the site to the west is screened from the site by an existing pond and substantial, mature tree cover. When coupled with the extensive landscaping package and increased setbacks proposed by the applicant, these features will ensure that there are no negative impacts to this single residential property adjoining the site as a result of the requested changes.

(e) The regulation imposes 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:

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

(vi) 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 applicant is proposing an alternative building design that—through the combination of increased vertical elements and enhanced colors schemes on all four (4) facades—meets the intent of the City’s design standards to avoid long monotonous facades and provide a visually-pleasing exterior design aesthetic. No private rights will be injured or endangered by the waiver, nor will the public suffer a loss or inconvenience thereby, and—in justice to the applicant—the requested changes should be granted.

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