

# HERITAGE ENGINEERING, LLC

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November 1, 2019

Planning and Design Services  
Metro Government  
444 South Fourth Street  
Louisville, Kentucky 40202

**Re: Letter of Explanation  
Chapter 10, Part 2 Waiver**

Dear Staff:

On behalf of Flynn Construction Services, LLC. we are submitting the attached General Waiver Application for revisions to an existing industrial site located at 3001 Watterson Trail.

Onsite changes to the previously approved Landscape Plan (Case # 18LSCAPE1137) are limited to construction of a parking area, drive lane and retaining wall within the required Vehicle Use Area/PEC Landscape Buffer Areas as highlighted on the plan. Due to site conditions the Phase III parking was shifted slightly onsite which created an encroachment into the Landscape Buffer Area, requiring a waiver of Chapter 10, Part 2 – Section 10.2.B. Paragraph 9 and Section 10.2.10 of the Land Development Code. No other changes are proposed, and with the waiver approval the plan improvements as constructed will be in compliance with the Land Development Code.

Justifications for the requested waiver:

- The requested waiver will not adversely affect adjacent property owners because granting of the waiver will allow the employee parking, drive lane and retaining wall to occur onsite adjacent to an elevated roadway within the Watterson Trail public right-of-way and along a shared PEC-LBA with an adjacent Industrial Use. Based on the location of the waivers and with the grade changes from the adjacent properties and right-of-way the impacts will not have any impacts.
- The waiver requested will not violate the Comprehensive Plan and it will not alter the character of the general vicinity as the property is located within an existing industrial area and the waiver area is located with limited visibility to neighbors or the general public using the adjacent Watterson Trail which passes our site as an elevated roadway overpass. The encroachments are limited in size and area to minimize noncompliance with code. Landscape plantings as required can be provided onsite adjacent to the encroachment area to ensure landscape plantings are still being provided onsite.
- Granting of the waiver is the minimum necessary to afford relief to the applicant as the proposed employee parking, drive lane and retaining wall encroachment is offset with grassy/landscaped area internal to the property.

642 S. 4<sup>TH</sup> STREET, SUITE 100  
LOUISVILLE, KENTUCKY 40202  
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204  
JEFFERSONVILLE, INDIANA 47130  
PHONE: 812-280-8201 FAX: 812-280-8281

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- The development as proposed with the requested waiver will allow for the employee parking, drive lane and retaining wall to occur onsite while still providing the landscape plantings within the Landscape Buffer Areas. In addition, strict application of the provisions would limit the ability to grow the business at this location while maintaining adequate parking and access.

Thank you for your consideration; please advise us immediately if additional information is needed.

Sincerely,



John D. Campbell

Encl. Application  
General Waiver Plan

DEC 11 2009  
10:00 AM  
JEFFERSONVILLE, INDIANA

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