

**LOUISVILLE METRO PLANNING COMMISSION
BINDING ELEMENT FINAL ORDER 6201-6203 LOWER HUNTERS TRACE**

WHEREAS, On February 1, 2021, Louisville Metro Code Enforcement Officer Steven Bodner issued a Binding Element Violation Citation (“Citation”) to Charles M. & Bonny Conner, the property owner (the “Owner”), for violation of Binding Element Nos. 1, 2 and 6 under Docket Number 9-54-99 (“applicable binding elements”), on the property located at 6201-6203 Lower Hunters Trace and being in Louisville, Kentucky (hereafter “Subject Property”) because:

1. The development will be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission review and approval; any changes/additions/alterations not so referred shall not be valid
2. Use of the subject site shall be limited to sales and installation of batteries, purchases of used batteries, sales of related tools and supplies, and automotive repairs. There shall be no other use of the property unless prior approval is obtained by the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission’s policy and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
6. There shall be no outdoor storage on the site including automobiles and automotive components.

However, the Subject Property is not in accordance with applicable binding elements because the business operation has changed from battery sales and installation to major auto repair without approval of the Louisville Metro Planning Commission (the “Commission”). There are 20 to 30 vehicles stored outdoors and many of these vehicles are unlicensed and inoperable. As a result, the applicable binding elements have been violated.

WHEREAS, the Owner failed to contest the Citation and did not request an appeal before the Commission; and

WHEREAS, the Commission finds, based on the evidence submitted into the record under Docket Number Binding Element Final Order 6201-6203 Lower Hunters Trace, that the Owner committed violations for Binding Elements 1, 2 and 6 on the Subject Property because the Owner failed to comply with the applicable binding elements on the Subject Property as put forth herein above.

It is hereby **ORDERED** by the Commission that the Citation issued on February 1, 2021, to the Owner is **UPHELD**, and that the Owner shall bring the Subject Property into full compliance with the most recently approved development plan for the Subject Property within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signatures below.

It is hereby further **ORDERED** by the Commission, after considering the Owner's lack of achieving compliance with the applicable binding elements on the Subject Property, the Commission hereby fines the Owner \$1,000.00 and that the Owner shall pay said fine by certified check made payable to the Louisville Metro Finance, within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signatures below.

MICHAEL J. O'CONNELL
Jefferson County Attorney

LOUISVILLE METRO
PLANNING COMMISSION

By: _____
Laura M. Ferguson

By: _____
Chairperson

DATE: _____
Final Order 6201-6203 Lower Hunters Trace (2/1/21)

DATE: _____