

**LOUISVILLE METRO PLANNING COMMISSION
BINDING ELEMENT FINAL ORDER 7701 SMYRNA PARKWAY**

WHEREAS, On August 4, 2023, Louisville Metro Code Enforcement Officer James Mullarkey issued a Binding Element Violation Citation (“Citation”) to Realty Income Properties 30 LLC, the property owner (the “Owner”), for violation of Binding Element No. 1 under Docket Number 19-DDP-0061 (“applicable binding element”), on the property located at 7701 Smyrna Parkway and being in Louisville, Kentucky (hereafter “Subject Property”) because:

1. The development will be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

However, the Subject Property is not in accordance with the approved detailed district development plan and applicable binding element because there are outdoor storage racks containing cardboard which are not approved on the Subject Property. A storage area must be approved through a revised district development plan.

WHEREAS, the Owner failed to contest the Citation and did not request an appeal before the Louisville Metro Planning Commission (the “Commission”); and

WHEREAS, the Commission finds, based on the evidence submitted into the record under Docket Number Binding Element Final Orders 7701 Smyrna Parkway, that the Owner committed violations for Binding Element No. 1 on the Subject Property because the Owner failed to comply with the applicable binding element on the Subject Property as put forth herein above.

It is hereby **ORDERED** by the Commission that the Citation issued on August 4, 2023 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 \$4,000.00 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.

[SIGNATURES ON THE FOLLOWING PAGE]

MICHAEL J. O'CONNELL
Jefferson County Attorney

By: _____
Laura M. Ferguson

DATE: _____
Final Order 7701 Smyrna Parkway (08/04/23)

LOUISVILLE METRO
PLANNING COMMISSION

By: _____
Chairperson

DATE: _____