

BE Citation Appeal Case

3741 S Hurstbourne Pky - Docket No. 9-28-88

Zoning Enforcement Case 19PM12341-ZM



Louisville Metro Planning Commission

Laura Ferguson, Assistant County Attorney

September 2, 2021

Zoning History

- Change in zoning from R-4 to C-2 for the subject property was approved by the Planning Commission on August 4, 1988.
- A Detailed District Development Plan was approved for the subject property located at the Northeast corner of S. Hurstbourne Pkwy and Ambrose Lane by the Land Development and Transportation Committee on June 22, 1995, for a gas station/food mart and car wash in a C-2 zone.

Planning Commission Minutes

August 18, 1988

1. The development shall not exceed the following:
 - a) R-6 Apartment District 1,164 dwelling units (a density of 17.17 dwelling units per acre; 1,164 dwelling units on 67.81 acres)
 - b) OR-3 Office District 896,900 square feet
 - c) C-2 Commercial District 620,670 square feet

The following uses, although permitted generally in the C-2 Commercial District, are prohibited uses within the C-2 areas of Stony Brook South: adult entertainment, automobile repair garages, bookbinding facilities, dance halls, kennels, monument sales, plumbing and heating shops, sign painting, skating rinks, taverns, theaters, used car sales areas unless in connection with a new car sales dealership, advertising signs (billboards). The remainder of the C-2 Commercial uses (being those that are not also specifically listed in the C-1 district) shall be allowed in the C-2 areas of Stony Brook South, but only to the extent of one-third of the allowable commercial square footage allowed above ($1/3 \times 620,670 = 206,890$ square feet).

Enforcement History

- Binding Element Notice of Violation issued 4/30/2019 for BE #1 & BE# 3.
- 1. The development shall 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.
- 3. The site shall be maintained free of rubbish, trash and debris.

Enforcement History

- Binding Element Citation issued 12/4/2019 for BE #1 & BE #3.
- You are hereby notified that you are in violation of Binding Element #1, #3 in Docket #9-29-88, which stipulates the following:
 - 1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further developments shall occur without prior approval from the Planning Commission except for permitted land uses for the established zoning district.
 - 3. If use of building 3 changes to other than a gas station, a revised plan shall be submitted for LD&T review regarding access.

Enforcement History

PC Binding Element Final Order - 11/07/19

- It is hereby **ORDERED** by the Commission that the Citation issued on November 7, 2019, to the Owner is **UPHELD**, and that the Owner shall bring the Subject Property into full compliance on or before July 15, 2020, with the most recently approved development plan for the Subject Property. An enforcement officer will be out to the Subject Property to confirm whether the Owner has complied with this order.
- 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 pays said fine by certified check made payable to the Louisville Metro Government, within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signature below.

Enforcement History

- Binding Element Citation issued 7/22/2021 for BE #1 & BE #3.
- You are hereby notified that you are in violation of Binding Element #1, #3 in Docket #9-29-88, which stipulates the following:
 - 1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further developments shall occur without prior approval from the Planning Commission except for permitted land uses for the established zoning district.
 - 3. If use of building 3 changes to other than a gas station, a revised plan shall be submitted for LD&T review regarding access.

Appeal Request

SIR, I am the Current Occupant at 3741 S. Hurstbourne
I Run a convenience Store and gas Station. ^{PKWY.}
We Do not Sell CARS at the Location.
The two Cews parked at the location were
Private Cews owned by Customer and I
assure you that it will Not happen again
and I have taken action for the Same.
I will Police the property and keep an eye.
These Cews were not owned by me or the Store.

Name:

ISHPREET CHAWLA

(502)210 7541

Address:

3741 S. HURSTBOURNE PKWY

City, State & Zip:

LOUISVILLE - KY - 40299

Signature:

ISH

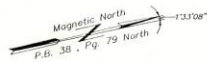
Date:

8/2/21

RECEIVED

AUG 02 2021

Development Plan

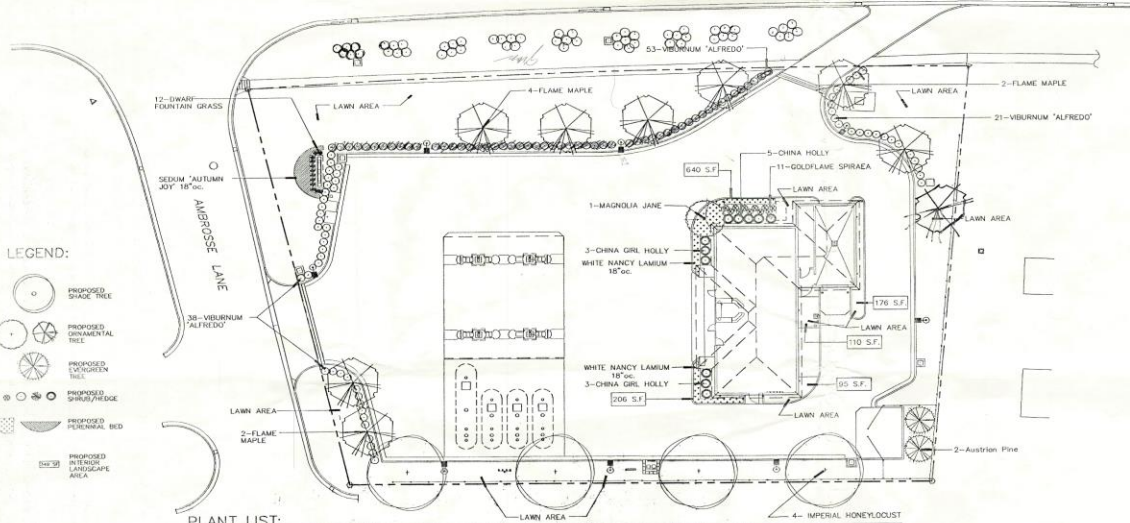


LANDSCAPE DATA:	
TOTAL VEHICULAR USE AREA	27,305.13 S.F.
INTERIOR LANDSCAPE AREA	REQUIRED: 1,665.26 S.F. / PROPOSED: 1,227 S.F.
INTERIOR LANDSCAPE AREA TREES	REQUIRED: 8 / PROPOSED: 8
VEHICULAR USE AREA PERMEABLE BUFFER	305 FT. LINEAR FEET
VEHICULAR USE AREA PERMEABLE TREES	REQUIRED: 4 / PROPOSED: 4

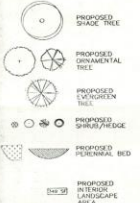
TOTAL LOT SIZE = 45,157.98 SF
 LANDSCAPE AREA = 74,631.91 SF
 PAVED AREA = 27,305.13 SF
 BLDG. SIZE = 3,220.94 SF

HURSTBOURNE PARKWAY (SOUTHBOUND)

HURSTBOURNE PARKWAY (NORTHBOUND)



LEGEND:



PLANT LIST:

Botanical Name	Common Name	Caliper	Ball Size	Height	Spread	Canopy	Notes	Quantity
<i>Cladonia truncatipes 'Imperial'</i>	Imperial Honeylocust	3"	28"	12'-14"	n/a	n/a	Matched trees, branched 5'-6'	4
<i>Acer glabrum 'Flame'</i>	Flame Maple	1-3/4"	22"	n/a	n/a	1-3	Matched trees, tree form	8
<i>Magnolia x 'Sora'</i>	Jane Magnolia	n/a	14"	4'	n/a	2-5	Specimen	1
<i>Ilex x 'massena' 'China Girl'</i>	China Girl Holly	n/a	10"	18"	18"	n/a	35" oc. provide 1 male (see plan - 'm')	1
<i>Viburnum x 'alfredo'</i>	Alfredo Viburnum	n/a	9"	18"	15"	5	3' oc.	112
<i>Pinus strobus</i>	Austrian Pine	n/a	20"	5'	n/a	1	Single leader matched trees	2
<i>Cladonia truncatipes 'Imperial'</i>	Imperial Honeylocust	n/a	20"	12"	n/a	n/a	Plant @ 18" o.c. w/ triangular spacing	30
<i>Cladonia truncatipes 'Imperial'</i>	Imperial Honeylocust	n/a	20"	12"	n/a	n/a	Plant @ 18" o.c. w/ triangular spacing	30
<i>Cladonia truncatipes 'Imperial'</i>	Imperial Honeylocust	n/a	20"	12"	n/a	n/a	Plant @ 18" o.c. w/ triangular spacing	30
<i>Spiraea x 'barneby' 'Goldflame'</i>	Goldflame Spiraea	n/a	20"	12"	n/a	n/a	3' oc.	11
<i>Cladonia truncatipes 'Imperial'</i>	Imperial Honeylocust	n/a	20"	12"	n/a	n/a	2' oc.	12

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SuperAmerica Group, a
 Division of Ashland Inc.
 3499 Dabney Dr.
 Louisville, KY 40206

No.	Revision	Date	By	A
1				
2				
3				



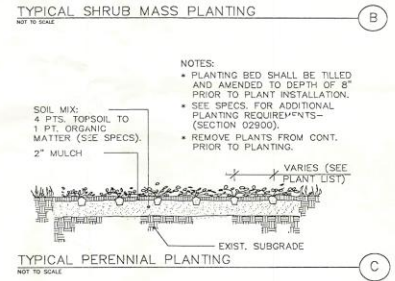
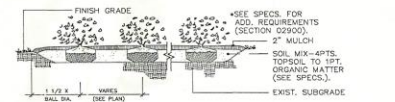
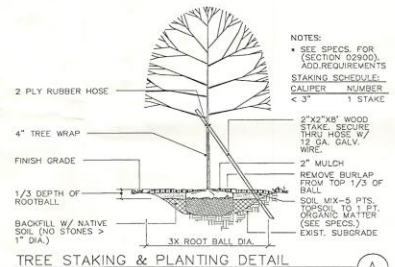
LANDSCAPE PLAN
 HURSTBOURNE PKY. & AMBROSSE LN.
 LOUISVILLE, KENTUCKY

APPROVED
 JEFFERSON COUNTY
 PLANNING DEPARTMENT
 9-12-98
 L-191-95

McLWAIN + ASSOCIATES
 Landscape Architects/Site Planners
 Suite 602
 207 West Short Street
 Lexington, Kentucky 40507-1231
 606-233-9998

GENERAL PLANTING NOTES:

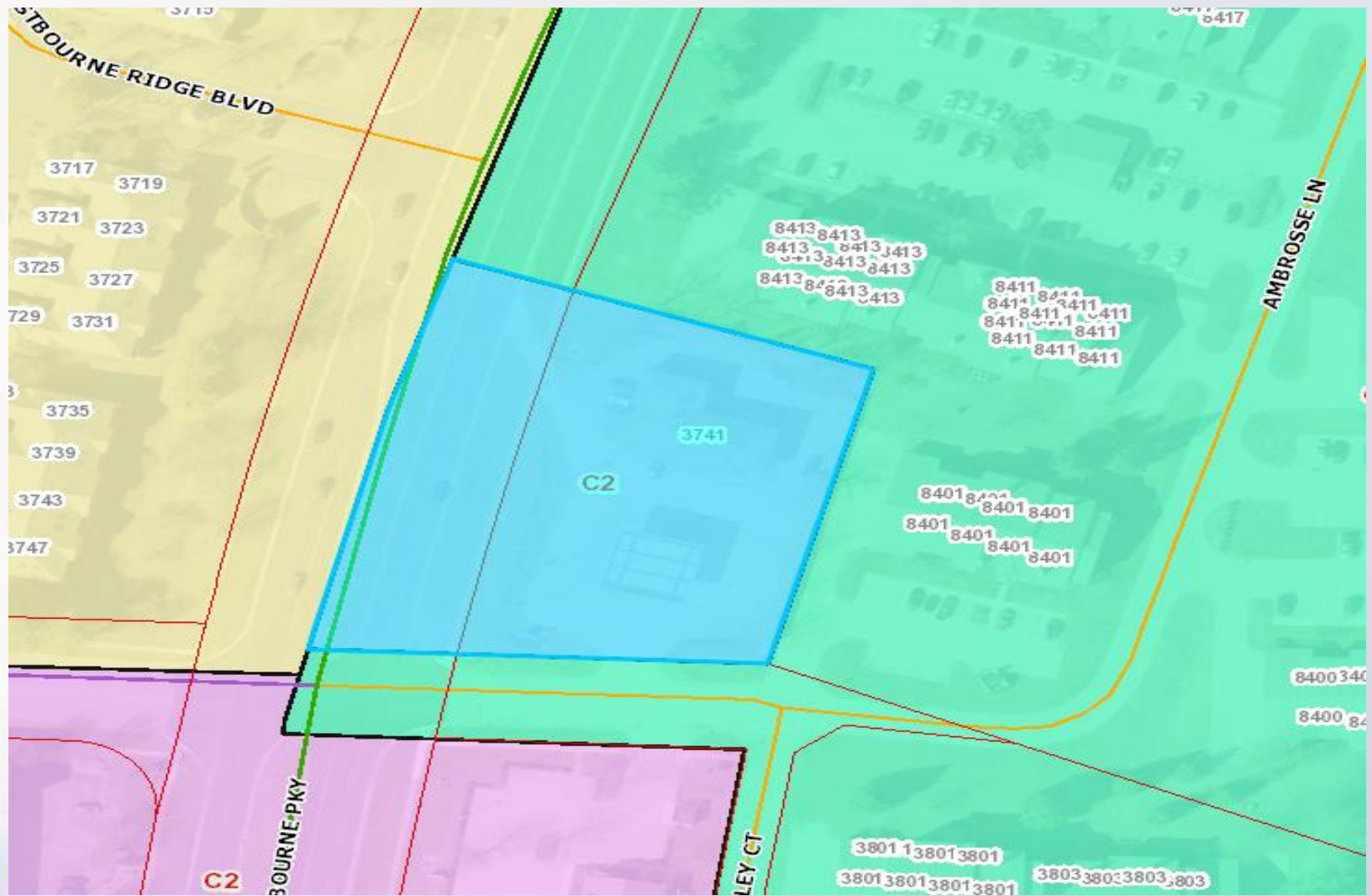
- The Contractor is hereby notified of the existence of underground utilities. The Contractor shall verify the location and protect all utilities prior to the commencement of digging.
- See specification sections 02900 for additional requirements.
- Only nursery grown plant material shall be used. Collected plant material is not acceptable.
- The Contractor shall be responsible for the complete removal of binding cords and ropes from the trunks of all shade and ornamental trees immediately after planting. Identification tags and ribbons shall be removed from all plant material at the time of planting. Tree baskets shall be cut off from top of the ball.
- The Contractor shall prepare a cultivated bed around each group of shrubs &/or hedges, the same shape and size as shown on the plan. The entire bed shall be mulched.
- All lawn areas disturbed by construction are to be seeded unless otherwise indicated.
- Unless otherwise indicated, arched hardwood bark mulch shall be used in all shrub and/or hedge beds and around all trees planted within or beyond the confines of the planting beds.



Site Location



Zoning/Form Districts



Aerial Photo



Site Inspection Photos 5/29/2019



Site Inspection Photos 11/4/2019



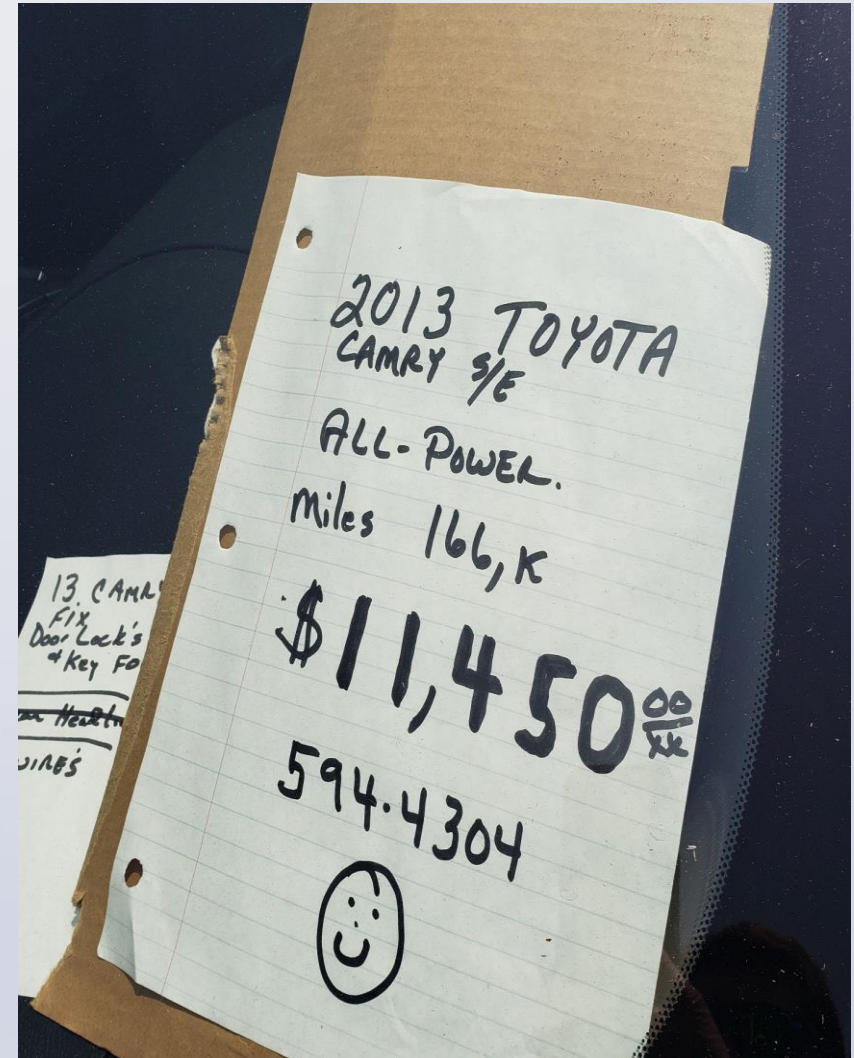
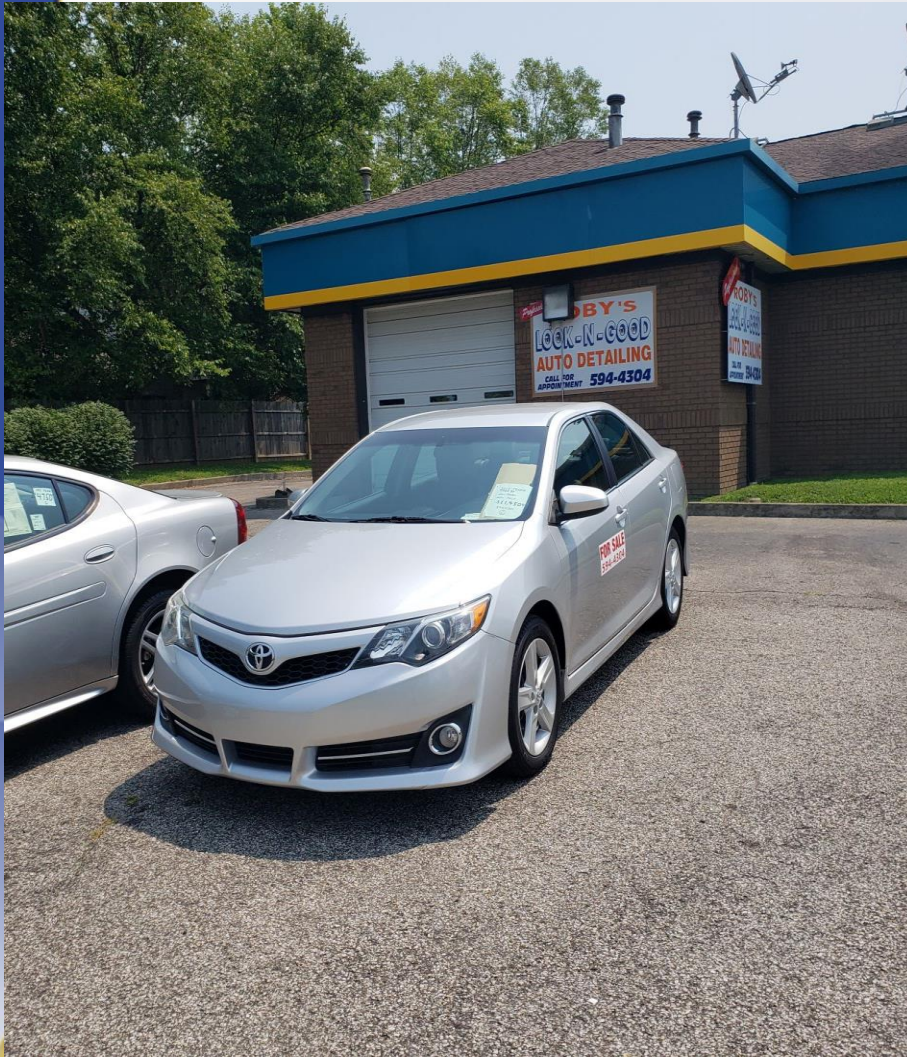
Site Inspection Photos 3/2/2020



Site Inspection Photos 7/22/2021



Site Inspection Photos 7/22/2021



Required Actions

- The Planning Commission shall determine based on the evidence presented at this hearing, whether a violation of Binding Elements #1 and #3 occurred.
- If the Commission determines that a violation occurred, the Commission shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to \$4,000 per day of violation, or may issue a remedial order, or both.
- If the Commission determines that no violation occurred, an order dismissing the citation shall be entered.