



03/30/2022
05:00 PM

Owner:

Abdulkadir Osman Mohammed & Mohamed Abukar Ibrahim
331 Outer Loop
Louisville, KY 40214-5769

Interested Party:

Current Occupant
331 Outer Loop
Louisville, KY 40214

Subject Property:

331 Outer Loop

Zoning Enforcement Case:

15PM27656-ZM-8 Visit #8

Inspection Date:

03/30/2022

Inspection Time:

09:59 AM

Civil Fine:

\$1000.00

ZONING ENFORCEMENT
CITATION – BINDING ELEMENT

As observed during an inspection and/or discovered through subsequent investigation, a violation(s) exists that requires attention.

In accordance with Section 11.10.3 of the Land Development Code, Section 153.99 of Louisville Metro Code of Ordinances, and Sections 100.401 and 100.409 of Kentucky Revised Statutes (KRS), you are hereby subject to a civil fine of \$1000.00. You must immediately stop using this property in violation of the Binding Elements that have been approved as part of the land use development plan associated with the subject property. Please contact the Office of Planning & Design Services to determine what steps must be taken to remedy the violation(s). Failure to comply with this Citation will result in additional citations and fines. Each day of violation constitutes a separate offense.

If you disagree with this Citation, you may file an appeal to the Planning Commission. Appeals must be filed within 14 days of the date of this Citation by submittal to the Office of Planning & Design Services. Please contact the Office of Planning & Design Services for more information concerning this process.

KRS Section 100.409

When a citation is issued, the person to whom the citation is issued shall respond to the citation within fourteen (14) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the planning commission to contest the citation. If the person fails to respond to the citation within fourteen (14) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the planning commission shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

A zoning enforcement officer will re-inspect the property on or after 14 days from the date of this Citation to determine if you have complied with this Citation. Should you have any questions, please email or call me at the number below.

Fines must be made payable to Louisville Metro Finance and hand delivered, or sent by mail, to the Office of Management & Budget, 611 West Jefferson Street, Louisville, Kentucky 40202.

Steven Bodner
Inspector / Zoning Enforcement Officer
(502) 773-2067
Steven.Bodner@louisvilleky.gov

If you are not the owner of this property, you have been sent a copy of this Citation as an interested party.

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BE_001 Noncompliance with a Binding Element or Condition of Approval:

- The terms of an approved development plan and Binding elements or conditions of Approval are not being met on The subject property. All construction must be conducted in accordance with The approved plan and Binding elements or conditions of approval.

Inspector Comments:

- Received new complaint. Revised Plan 19DEVPLAN 1116 has been withdrawn and owner is still in violation of approved plan 14DEVPLAN1074 binding element #1. Property is being used as an auto body shop for vehicles that are for resale at another location. Screening is in bad shape and there is major outdoor storage of junk car parts.

DEVELOPMENT REVIEW COMMITTEE
August 20, 2014

NEW BUSINESS

CASE NO. 14DEVPLAN1074

Request:	Revised Detailed District Development Plan
Project Name:	Outer Loop Auto Sales and Service
Location:	331 Outer Loop
Owner:	Athraa Alabudy
Applicant:	Athraa Alabudy
Representative:	BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	13-Vicki Aubrey Welch
Case Manager:	Julia Williams, AICP, Planner II

Binding Elements

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.

- A full copy of the minutes for this approval and Binding Elements have been included for your review.
- For further information regarding This Citation please contact the Louisville Metro Office of Planning & Design Services by dialing (502) 574-6230, or by visiting us during business hours at 444 South 5th Street, Louisville, KY 40202 Suite 300.

Responsible:

- Owner

Subject violation needs to be in compliance to avoid further penalties and/or court action.



Louisville Metro Government
Develop Louisville
Office of Planning & Design Services
444 S. 5th Street, Louisville, KY 40202

HEARING REQUEST

Property Address:

I hereby contest the *Binding Element Violation Citation* and request a hearing before the Planning Commission. I dispute the citation based on the following:

Name: _____

Address: _____

City, State & Zip: _____

Signature: _____

Date: _____

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The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

14:57 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

16:36 Mr. Addington said the owners want the sales out of the garage and moved into the renovated trailer.

The following spoke in opposition to this request:

No one

The following spoke neither for nor against the request:

No one

Deliberation

19:03 Development Review Committee deliberation.

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An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

19:51 On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted.

WHEREAS, There are no evident natural features on the site that will be negatively affected by the development; and

WHEREAS, A sidewalk is proposed along the frontage and vehicles will use a 24' driveway for entrance into the site. Future cross access will be provided if the sites to the east and west ever develop; and

WHEREAS, Open space is provided in the form of the LBAs and ILAs on the site; and

WHEREAS, MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Development Review Committee finds : The proposal is providing all required buffers and will be screening the parking lot from the adjacent ROW.

WHEREAS, the Louisville Metro Development Review Committee further finds Due to the site being surrounded by non-residential zoning, compatibility has already been established on the site. The previous proposal was for the same or similar use which indicates compliance with the Comprehensive Plan. No waivers are being requested and all other LDC requirements are met on the plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan based on the staff report and the testimony heard today and **SUBJECT** to the following Binding Elements:

Binding Elements

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.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 14DEVPLAN1074

2. The development shall not exceed 2,255 square feet of gross floor area and 10,720 square feet of outdoor sales display space.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2014 DRC meeting.
6. Any proposed change in use of the subject site to another permitted use in the C-2 Commercial zoning district shall require the approval of the Development Review Committee of the Planning Commission. (Note: A change of use to a use permitted in the C-1 Commercial zoning district shall not require the approval of the Planning Commission or any committee thereof).
7. Privacy slats shall be installed in the chain link fencing that runs along the north, east, and west property lines. The fencing along the south (front) property line shall not be required to have privacy slats.
8. If access to the adjoining property is required by Metro Public Works when it is developed, a reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel, which includes mutually agreeable construction and maintenance cost sharing provisions, shall be recorded prior to construction approval of the adjacent property to be developed, and a copy of the recorded instrument shall be submitted to the Division of Planning and Design. The applicant/owner of the subject property shall be permitted to close and lock the cross access during non-business hours.
9. The hours of operation shall be from 7:00 a.m. to 7:00 p.m.

DEVELOPMENT REVIEW COMMITTEE
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10. There shall be no junk or scrap vehicles stored on site.

The vote was as follows:

YES: Commissioners Blake, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Brown, Kirchdorfer and White

ABSTAINING: No one