

**LOUISVILLE METRO PLANNING COMMISSION
BINDING ELEMENT FINAL ORDER**

DOCKET NO. 17ZONE1053

WHEREAS, On March 11, 2019, Louisville Metro Code Enforcement Officer Mike Wilcher issued a Binding Element Violation Citation (“Citation”) to Ariel Hernandez Peguero on behalf of the alleged offender, for violation Binding Element Nos. 1, 4C, 5, 8, 10, and 11 under Docket Number 17ZONE1053 (“applicable binding elements”), on the property located at 12909 Dixie Highway and being in Louisville, Kentucky (hereafter “Subject Property”) because:

1. AHP failed to develop the property in accordance with the approval development plan (Binding Element #1).
2. AHP failed to obtain approval of a detailed plan for screening and buffering (Binding Element #4C).
3. AHP failed to obtain a certificate of occupancy from the appropriate code enforcement office prior to occupying the structure or land for the proposed use (Binding Element #5).
4. AHP violated Binding Element #8 which required: “The gate access to the property shall be open from 6:00 a.m. to 6:00 p.m. (or open and close for business) to eliminate any queue of semi-trucks on Dixie Highway.
5. AHP violated Binding Element #10 which stipulates that: “Each individual trailer may not be stored on the property for longer than 7 consecutive days.”
6. AHP has violated Binding Element #11 which states: “Use shall be limited to empty tractor trailers parking and storage as proposed at the March 11, 2018 Planning Commission meeting. Any change of use on the property shall require approval by Metro Council.”

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

WHEREAS, The Commission finds, based on the evidence submitted into the record under Docket Number 17ZONE1053, that AHP committed violations for Binding Elements 1, 4C, 5, 8, 10 and 11 on the Subject Property because AHP failed to comply with binding elements applicable to the subject property as put forth hereinalone.

It is hereby **ORDERED** by the Louisville Metro Planning Commission that the Citation issued on March 11, 2019, to AHP is **UPHELD**, and that AHP shall bring the Subject Property into full compliance with the most recently approved development plan for the Subject Property.

It is hereby further **ORDERED** by the Louisville Metro Planning Commission, after considering AHP's lack of achieving compliance with the applicable binding elements on the Subject Property, the Commission hereby fines AHP \$4,500.00 (of a potential \$1,000.00 per day since March 11, 2019) and that AHP 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 signature below.

MICHAEL J. O'CONNELL
Jefferson County Attorney

LOUISVILLE METRO
PLANNING COMMISSION

By: _____
Paul B. Whitty

By: _____
Chairperson

DATE: _____

DATE: _____