



DEVELOP LOUISVILLE
OFFICE OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

EMILY LIU, AICP
DIRECTOR

**BINDING ELEMENT NOTICE OF VIOLATION
AND ORDER TO REMEDY**

Date: April 30, 2019

Property Address: 331 OUTER LOOP

Property Owner(s): ABDULKADIR OSMAN MOHAMMED
CASE# 15PM27656 MOHAMEDD ABUKAR IBRAHIM
1842 W. KENTUCKY STREET
LOUISVILLE, KY. 40210-1252

You are hereby notified that you are in violation of **BINDING ELEMENTS** in Docket No **14568** and **14DEVPLAN1074**, which stipulates the following:

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.**

The specific facts constituting the above referenced violation are the following:

- A. Upon inspection by Zoning Officer on April 22 2019 the site is non-compliant with the approved development plans which are expired. A revised plan is required to address the violations.

Accordance with Chapter 153 of the Louisville/Jefferson County Code of Ordinances, ***you are hereby ordered to cease violation and provide permanent remedy by May 30, 2019.*** Failure to comply by this date will result in the issuance of a citation and may result in a civil fine of up to \$4,000 per day of violation.

MIKE WILCHER

PLANNING SUPERVISOR

574-8692

Binding Elements – Case 14568

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.
2. The development shall not exceed **1,980** square feet of gross floor area and **10,720** square feet of outdoor sales display space.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing. The existing sign is to remain (**115** sq. ft. in area and **21** ft. tall).
4. 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 requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **March 17, 2011** Planning Commission public hearing.

Applicant's Binding Elements

7. 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).
8. 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.
9. 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.
10. The hours of operation shall be from 7:00 a.m. to 7:00 p.m.
11. There shall be no junk or scrap vehicles stored on site.