



10/12/2021
05:00 PM

Owner:
BMR LLC
1750 Delta Waters Road, STE 102-159
Medford, OR 97504-9181

Interested Party:
Dollar General
9267 Smyrna Parkway
Louisville, KY 40229

Subject Property: 9267 Smyrna Parkway
Zoning Enforcement Case: ENF-ZON-21-000915-2 Visit #2
Inspection Date: 10/12/2021
Inspection Time: 01:50 PM
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.

James Mullarkey
Inspector / Zoning Enforcement Officer
(502) 773-2069
James.Mullarkey@louisvilleky.gov

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.

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:

- Property is in violation of the Approved Site Plan and Binding Elements established in 16ZONE1005. The outdoor storage racks containing cardboard are not approved. A storage area must be approved through a Revised District Development Plan.

Planning Commission Minutes
June 16, 2016

Public Hearing

Case No. 16ZONE1005

Request: Change in zoning from R-4 to C-N on approximately 1.65 acres with a Variance and Waivers.

Project Name: Dollar General

Location: 9267 Smyrna Parkway

Owner: Robert Penrod
41 Lakeview Drive
Scottsville, KY 42164

Applicant: Zaremba Group LLC
Aaron J. Brooker, Representative
14600 Detroit Avenue Suite 1500
Lakewood, OH 44107

Representative: Glenn A. Price Jr.
Frost Brown Todd
400 W. Market Street 32nd Floor
Louisville, KY 40202

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

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

Case Manager: Julia Williams, RLA, AICP, Planner II

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.

- For further information regarding The Binding Elements of 16ZONE1005, a Digital Copy of the full approval minutes and or Site Plan, and/or any information pertaining to 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: _____