

**LOUISVILLE METRO PLANNING COMMISSION
BINDING ELEMENT FINAL ORDER 5244 DIXIE HIGHWAY**

WHEREAS, On May 26, 2021, Louisville Metro Code Enforcement Officer Steven Bodner issued a Binding Element Violation Citation (“Citation”) to DWSB, Louisville LLC, the property owner (the “Owner”), for violation of Binding Element No. 1 under Docket Number 19-DDP-0067 (“applicable binding element”), on the property located at 5244 Dixie Highway and being in Louisville, Kentucky (hereafter “Subject Property”) because:

1. The development will 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.

However, the Subject Property is not in accordance with the approved detailed district development plan and applicable binding element because the gates were closed at Flintlock Drive and Zayre Road blocking access to the shopping center, in violation of the approved plan.

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

WHEREAS, the Commission finds, based on the evidence submitted into the record under Docket Number Binding Element Final Order 5244 Dixie Highway, that the Owner committed violations for Binding Element No. 1 on the Subject Property because the Owner failed to comply with the applicable binding element on the Subject Property as put forth herein above.

It is hereby **ORDERED** by the Commission that the Citation issued on May 26, 2021, to the Owner is **UPHELD**. It is noted for the record that, after the appeal period, as of February 8, 2021, the Owner has cured the violation of Binding Element No. 1 by bringing the Subject Property into compliance but has not paid the fine contained in the Citation.

It is hereby further **ORDERED** by the Commission, that the fine of \$1,000 contained in the Citation is upheld, and that the Owner shall 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 signatures below.

MICHAEL J. O’CONNELL
Jefferson County Attorney

LOUISVILLE METRO
PLANNING COMMISSION

By: _____
Laura M. Ferguson

By: _____
Chairperson

DATE: _____
Final Order 5244 Dixie Highway (5/26/21)

DATE: _____