

Case No. 9-36-96

**Binding Element Citation Hearing
9609 National Turnpike**



October 20, 2016

Jonathon Baker, Assistant County Attorney

Enforcement Case No. 14PM10159

Initial Rezoning Request

- August 1, 1996
- Change in zoning from R-4 Residential Single Family to C-2 Commercial for automobile repair.
- RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby DENY the district development plan.

Final Rezoning Request

- FEBRUARY 20, 1997
- Change in zoning from R-4 Residential Single Family to C-2 Commercial for automobile repair.
- RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby APPROVE the district development plan SUBJECT to the following binding elements:

You are hereby notified that you are in Violation of BINDING ELEMENTS 5 & 8.d in Docket No. 9-36-96, which states:

- **5.** THERE SHALL BE NO OUTDOOR STORAGE ON THE SITE.
- **8.** BEFORE ANY PERMIT (INCLUDING BUT NOT LIMITED TO BUILDING, PARKING LOT, CHANGE OF USE, OR ALTERATION PERMIT) IS REQUESTED:
 - **d.** THE PROPERTY OWNER/DEVELOPER SHALL SUBMIT TO THE PLANNING COMMISSION WRITTEN PROCEDURES FOR TIRE/OIL DISPOSAL THAT COMPLY WITH APPLICABLE STATE AND FEDERAL REGULATIONS AND HAVE BEEN APPROVED BY THE APPROPRIATE WORKS DIRECTOR. SAID PROCEDURES SHALL BE SUBMITTED PRIOR TO REQUESTING A BUILDING PERMIT AND SHALL BE FOLLOWED FOR THE DURATION OF THE USE UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION.

The site remains in violation of the Approved Plan, per Binding Elements 1, 3, 5 & 8.c in Docket No. 9-36-96, which states:

- **1.** THE DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED DISTRICT DEVELOPMENT PLAN AND AGREED UPON BINDING ELEMENTS UNLESS AMENDED PURSUANT TO THE ZONING DISTRICT REGULATIONS. NO FURTHER DEVELOPMENT SHALL OCCUR WITHOUT PRIOR APPROVAL FROM THE PLANNING COMMISSION.
- **3.** USE OF THE PROPERTY SHALL BE LIMITED TO AUTO REPAIR AND RETAIL SALES OF AUTO PARTS, OR SINGLE-FAMILY RESIDENTIAL, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION.

- **5.** THERE SHALL BE NO OUTDOOR STORAGE ON THE SITE.

- **8.** BEFORE ANY PERMIT (INCLUDING BUT NOT LIMITED TO BUILDING, PARKING LOT, CHANGE OF USE, OR ALTERATION PERMIT) IS REQUESTED:
 - **C.** 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.

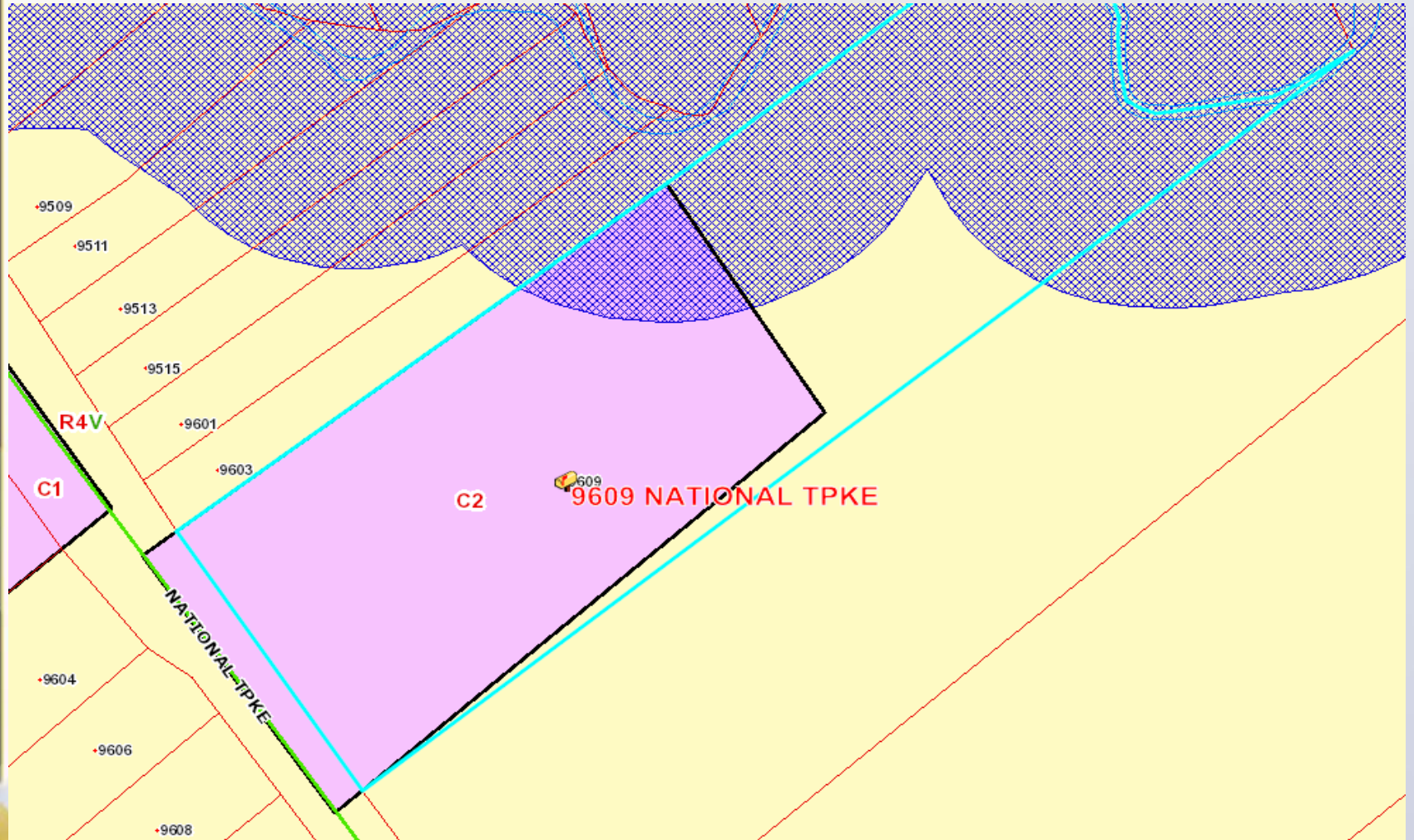
- **The owner(s) failed to remedy the following Binding Element violations:**
- **THE SUBJECT SITE IS IN VIOLATION OF THE APPROVED DEVELOPMENT PLAN, INCLUDING NON-PERMITTED USES ON-SITE, NON-PERMITTED OUTDOOR STORAGE, AND NON-COMPLIANCE WITH LANDSCAPING REQUIREMENTS.**
- **BE NOV issued July 31, 2014**
- **BE NOV issued April 14, 2015**
- **BE Citation issued May 19, 2015**

Zoning/Form Districts

- Subject Property:
 - Zoning District: C-2 & R-4
 - Form District: Village

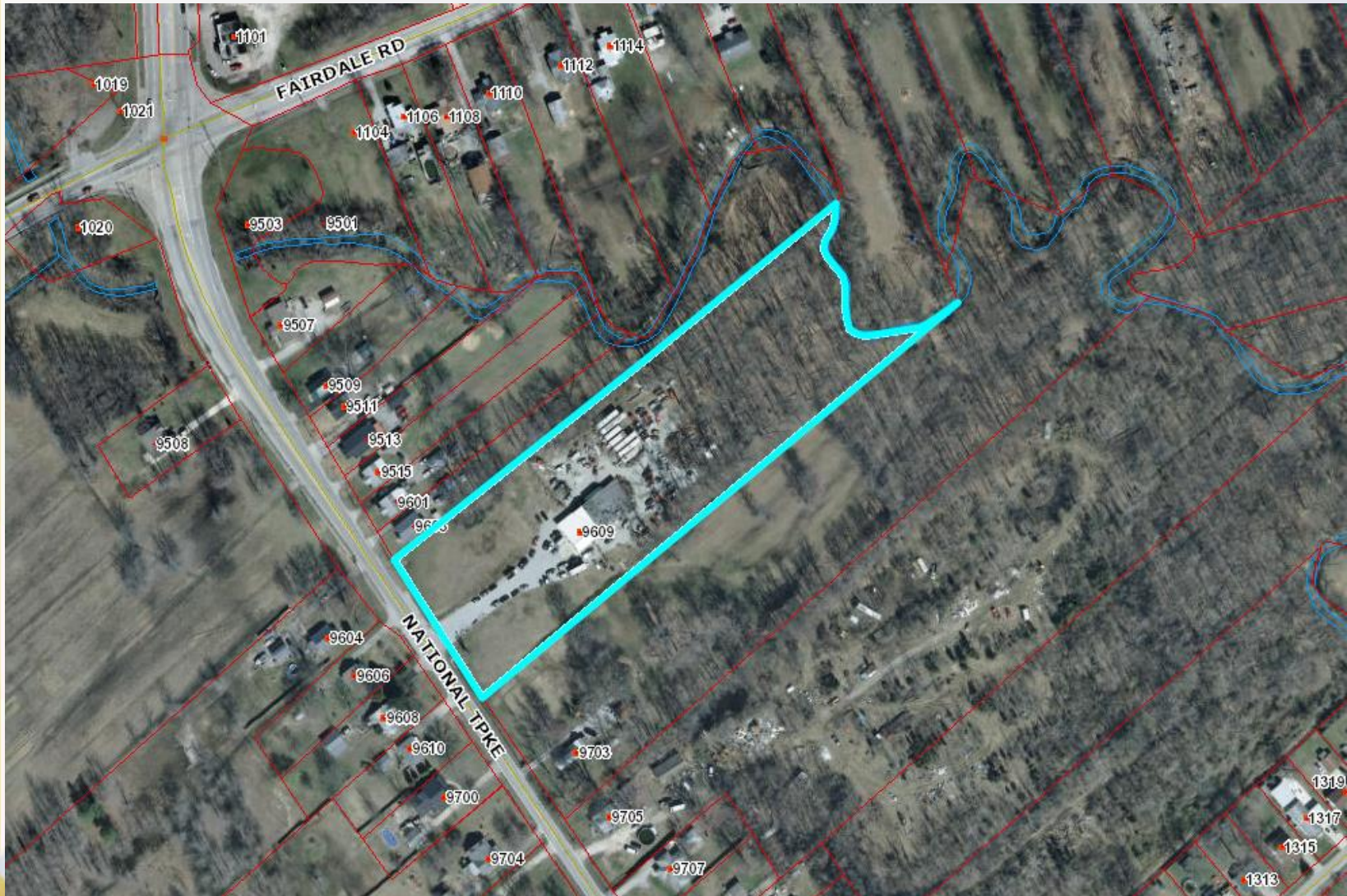
- Adjacent Properties:
 - North: R-4/Village
 - South: R-4/Village
 - East: R-4/Village
 - West: R-4/Village

Zoning Map



Aerial Map





Site Inspection Photos 10/19/16



Site Inspection Photos 10/19/16



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10/19/2016 02:15:13 PM



10/19/2016 02:15:26 PM

Site Inspection Photos 6/1/16



Site Inspection Photos 6/1/16



Site Inspection Photos 6/1/16



Site Inspection Photos 4/5/16



Site Inspection Photos 4/5/16



Site Inspection Photos 4/5/16



Site Inspection Photos 3/14/16



Site Inspection Photos 3/14/16



Site Inspection Photos 3/14/16



Site Inspection Photos 3/14/16



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Site Inspection Photos 3/14/16



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos

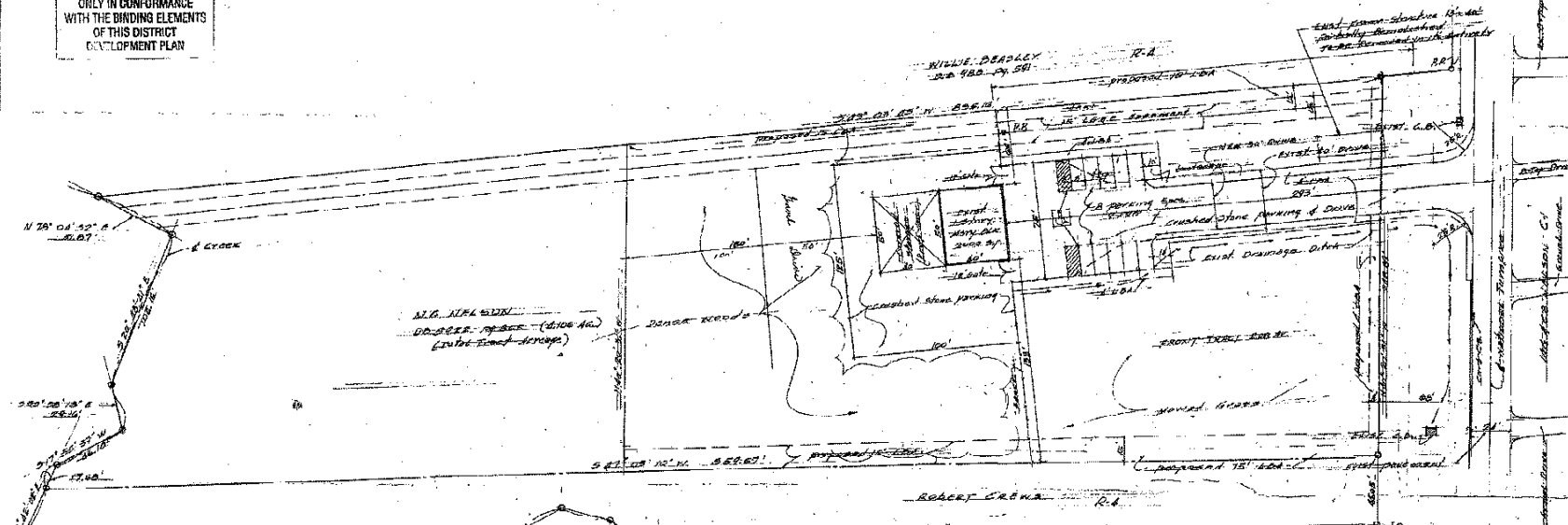


Approved Development Plan

OFFICIAL COUNTY
**APPROVED DISTRICT
 DEVELOPMENT PLAN**
 DOCKET NO. 9-36-91
 APPROVAL DATE 10.20.1992
 EXPIRATION DATE _____
 DESIGNER BY PLANNING DISTRICT _____
James Bond

NOTICE
 PERMITS SHALL BE ISSUED
 ONLY IN CONFORMANCE
 WITH THE BINDING ELEMENTS
 OF THIS DISTRICT
 DEVELOPMENT PLAN

PROPOSED DEVELOPMENT
 DISTRICT OF _____
 PL. W. 100 2000
 STREET _____
 R-2A
 100 South 100 2-1-92



Existing Use: Private Use
 Proposed Use: Light manufacturing
 Use (see also Area W-1A, 2000 and
 2001) 682 sq. ft.
 Total Area 170,687 sq. ft. (6.100 AC.)

KEY TO INDICATIONS
 Surface Water Drainage
 LLA Exterior Landscape Area
 LBA Landscape Buffering Area

PARKING ANALYSIS
 Total - 200 sq. ft. per car
 200 sq. ft. x 200 = 40,000 sq. ft.
 40,000 sq. ft. / 100 = 400 cars
 400 cars x 100 = 40,000 sq. ft.
 40,000 sq. ft. / 100 = 400 cars

CHANGE IN ZONING
 R-2 TO C-2



SITE PLAN
 DATE _____
 DRAWN BY _____
 CHECKED BY _____
 SCALE _____

APPROVED ZONING CHANGE
 M.C. NELSON PROPERTY
 800 WILSON PROPERTY
 800 WILSON PROPERTY
 800 WILSON PROPERTY

RECEIVED
 9-30-92

Aerial Image of Site

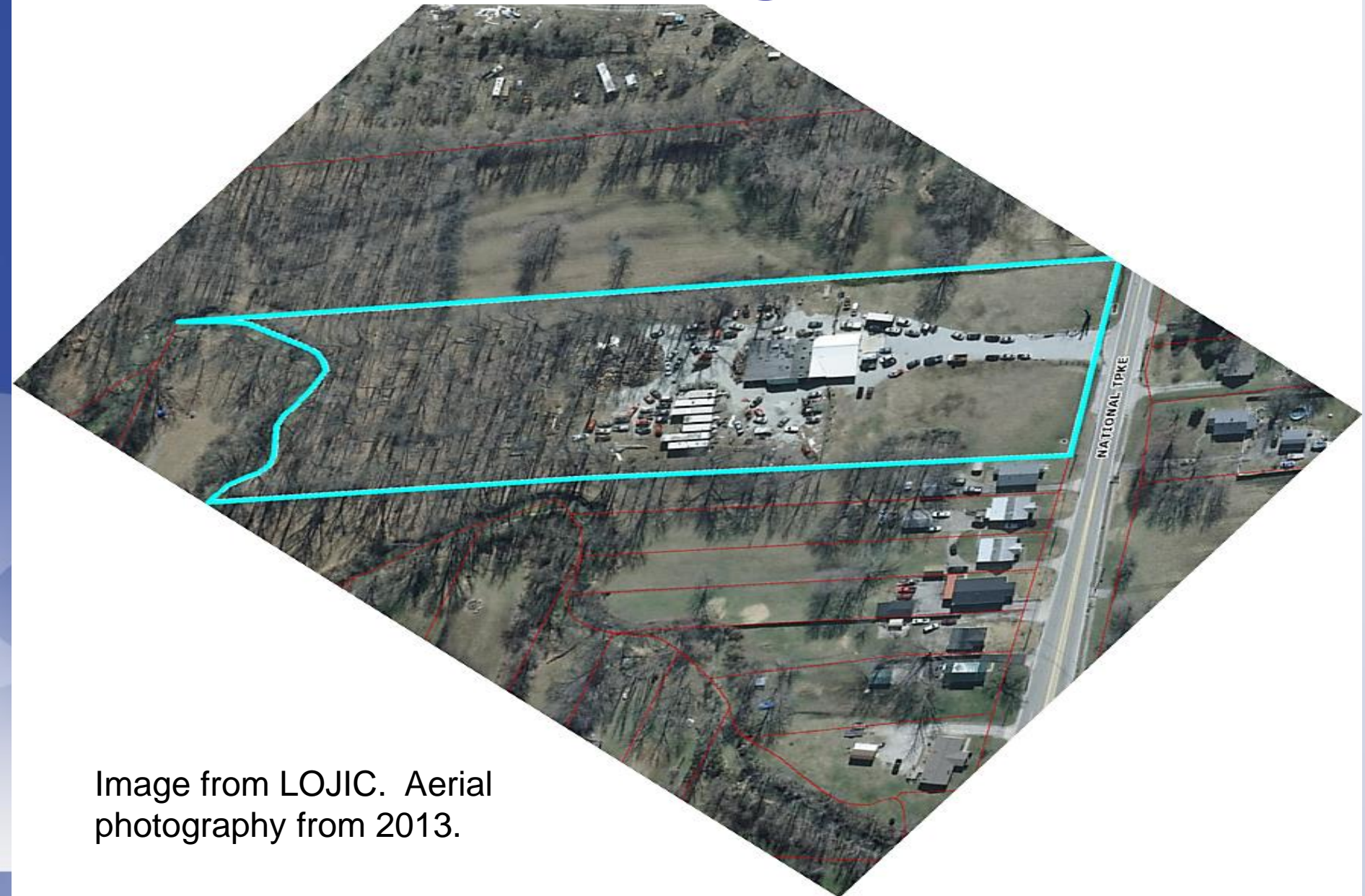


Image from LOJIC. Aerial
photography from 2013.

Commission Shall Take the Following Actions:

- **The Planning Commission shall determine based on the evidence presented at this hearing, whether a violation of Binding Elements # 1, 3, 5 & 8.c occurred.**
- **If the Commission determines that a violation occurred, the Commission shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to \$4,000 per day of violation, or may issue a remedial order, or both.**
- **If the Commission determines that no violation occurred, an order dismissing the citation shall be entered.**