



DEVELOP LOUISVILLE
OFFICE OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

EMILY LIU, AICP
DIRECTOR

BINDING ELEMENT VIOLATION CITATION

Date: October 18, 2018

Property Address: 6300 Preston Highway

Property Owner(s): JOSEPH ULRICH
Case#18PM1975 3524 KERRY DRIVE
LOUISVILLE, KY 40218-2134

You are hereby notified that you are in violation of landscape plan **L-29-04** and BINDING ELEMENTS #1, and #2, and #9 in DOCKET NO. **9-21-03**, which stipulates the following:

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. Any changes, additions OR alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to all uses permitted in the C-1 district and the following uses permitted in the C-2 zoning district: automobile sales, service and repairs; automobile rental agencies (including u-haul trucks); auto service stations; athletic facilities; furniture storage; plumbing and heating shops; printing and lithographing shops; and refrigerated lockers. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:



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- a. The development plan must receive full construction approval from the Louisville Metro Public Works Department (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Landscaping shall be installed within 6 months of zoning approval.
- d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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

- A. **The site remains non-compliant with Approved Development Plan No. 9-21-03 and the Approved Landscape Plan No. L-29-04.** Zoning Enforcement re-inspected the site on October 16, 2018, and found no improvement. The site is being used for auto salvage/junkyard operations in violation with the approved plan. In addition, the landscaping is non-compliant with dead and missing plantings throughout the site.

Accordance with Chapter 153 of the Louisville/Jefferson County Code of Ordinances, ***you are hereby ordered to cease violation and provide permanent remedy by November 18, 2018.*** 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



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Hand delivered by: US POSTAL SERVICE

Received by:

Name: _____

Time: _____

Signature: _____

Date: _____

In accordance with Chapter 153 of the Louisville/Jefferson County Code of Ordinances, any person who violates a binding element may be subject to a civil fine of not less than \$500 or more than \$4,000. The civil fine imposed for this violation is \$1,000 per day. Each day during which the binding element violations exist after the period afforded in the *Binding Element Violation Notice and Order to Remedy* shall be deemed a separate offense.

A *Notice of Violation and Order to Remedy* was issued the above named individuals on **July 27, 2018**, wherein it was ordered that the specific violations identified in the *Notice* cease. You have 14 days from the date of issue above to remedy the violations and pay a fine, or contest the citation by requesting a hearing before the Planning Commission. The \$1,000 per day fine will continue to accrue until the violations are resolved.

Fines must be paid by certified check made payable to Louisville Metro Finance and hand delivered, or sent by certified mail to the Administrative Official: **Michael Wilcher, 444 S. 5th Street, Suite 200, Louisville, Kentucky 40202**. Hearings may be requested in writing or by completing the hearing request section below. Written request for a hearing should be submitted to the Administrative Official at the address listed. If utilizing the section below, **a copy of the entire citation** must be forwarded to the Administrative Official. In accordance with KRS 100.167, a transcript of the entire proceedings of a planning commission shall be provided if requested by a party at the expense of the requesting party. Transcripts will be provided in either written or audio format at the discretion of the Planning Commission. Transcripts must be requested at the time a hearing is requested. If requesting a transcript, a fee of \$25 must accompany the hearing request. Additional fees may also be required.

Failure to pay civil fine set forth in this citation or to contest the citation within the time allowed shall waive your right to a hearing before the Planning Commission, and determination that a violation was committed shall be final.



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HEARING REQUEST

Property Address: 6300 Preston Highway

I hereby contest the *Binding Element Violation Citation* and request a hearing before the Planning Commission. I dispute the citation based on the following:

I request a transcript of the proceedings and understand that it will be provided at my expense. The \$25 fee is attached and I will be billed for any additional fees incurred in providing the transcript.

Name: _____
Address: _____
City, State & Zip: _____
Signature: _____
Date: _____