

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Special Night Hearing
March 1, 2021**

A meeting of the Louisville Metro Planning Commission was held on March 1, 2021 at 6:30 p.m. via Cisco Webex Video Teleconferencing and in person at the Valley Hope Center Gym, 10803 Deering Road, Louisville, Ky. 40272

Commission members present:

Marilyn Lewis
Jeff Brown
Robert Peterson
Ruth Daniels
Patricia Clare
Pat Seitz
Te'Andrea Sistrunk

Commission members absent:

Lula Howard
Rich Carlson
Jim Mims

Staff Members present:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Joe Haberman, Planning and Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Beth Stuber, Engineering Supervisor
Tony Kelly, MSD
Laura Ferguson, Legal Counsel

The following matters were considered:

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PUBLIC HEARING

CASE NO. 20-ZONE-0034

Request: Change in form district from NFD to SMCFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements

Project Name: RaceTrac

Location: 11800 – 11908 E Orell Road, 11705 Dixie Highway

Owner: Herman & Karl Gohl, Catherine & Charles Grissett, Kathy Gibson

Applicant: RaceTrac Petroleum Inc.

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:06:08 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
John Jansen, 200 Galleria Parkway, Atlanta, Ga. 30339
Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059
Mitchell Green, 3HMB Circle, Frankfort, Ky. 40601
Gordon Ritchie, 15415 Dixie Highway, Louisville, Ky.

Summary of testimony of those in favor:

00:19:26 Cliff Ashburner gave a power point presentation. Inaudible.

The area is going to be developed. The proposal is compliant with the Comprehensive Plan 2040 and there are no variances or waivers being requested. The South Dixie Highway Master Plan mainly applies to the recognition that Flowervale Ln. and Dixie

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Hwy. are a major intersection (lot of traffic). The plan is to keep as many mature trees along E. Orell as possible.

00:28:53 John Jansen gave an overview of his company, RaceTrac. He also discussed the elevations. Site cleanliness is very important.

00:33:56 Mr. Ashburner discussed the plan in more detail.

00:36:18 Diane Zimmerman prepared the traffic impact study for this project and the conclusion is that based on the volume generated and the amount of traffic projected for 2031, there will be an impact to the existing network; however, the only improvement required (by Ky. Transportation) will be a right turn lane at the entrance on Dixie Hwy.

00:39:22 Mitch Green discussed his noise assessment for the project.

00:48:00 Mr. Ashburner continued with the presentation discussing the original plan and its being revised by responding to citizen concerns.

01:01:00 Gordon Ritchie said he's in favor of the proposal. The people in opposition have no recorded information on their deed regarding the property on old Dixie Hwy. and the current Dixie Hwy. They also don't complain about the 2 chemical trains that run every day, 7 days a week.

01:10:36 Ms. Zimmerman answered traffic related questions from Commissioner Brown.

Commissioner Brown asked if there is there a sidewalk requirement on E. Orell? Mr. Ashburner said they will be paying the fee-in-lieu.

Commissioner Brown said this site was compared to other sites, but did the other sites have diesel fueling? Mr. Ashburner said no they do not.

01:21:15 Commissioner Clare asked how they will deal with overnight truck parking. Mr. Ashburner said it's not designed to provide what an overnight truck stop would provide (showers or lounge area). John Jansen added, if a truck is parked overnight, it will be towed.

Commissioner Clare asked, can people consume alcohol at your outdoor seating areas? Mr. Ashburner said a conditional use permit for outdoor alcohol consumption would be required for that use.

The following spoke neither for nor against the request:

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Cindi Fowler, 601 West Jefferson Street, Louisville, Ky. 40202

Summary of testimony of those neither for nor against:

01:24:38 Cindi Fowler asks the applicant/representatives to provide a wall on E. Orell. A vinyl fence won't hold up and is not aesthetically pleasing. Noise will be a significant issue. Also, it's very hard to hear the virtual speakers.

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
Andrew Fischer, 11909 East Orell Road, Louisville, Ky. 40272
Sally Smith, 11913 East Orell Road, Louisville, Ky. 40272
Stephen Puricelli, 6318 (Inaudible)
Ken Thieneman, 833 Valley College Drive, Louisville, Ky. 40272
James Jones, 6326 Awning Springs Drive, Louisville, Ky. 40272
Melody Burns, 11605 (Inaudible)
Mike Searcy, Inaudible
Misty Pack, Inaudible
Martina Kunnecke, NPP

Summary of testimony of those in opposition:

01:29:13 Steve Porter said he represents the neighbors in the Winding Brook Subdivision which is adjacent to the subject site.

Mr. Porter objects to the due process of the hearing because he couldn't hear/understand the speakers or see the screens.

Mr. Porter said the proposal is in violation of Comprehensive Plan 2040. See recording for details.

Mr. Porter said there's no need for this project. There will be noise and odor from the trucks and additional flammable liquids stored on the property. There should be a better location for this proposal.

Mr. Porter has proposed 5 binding elements and submitted them into the record.

01:51:25 Andrew Fischer gave a power point presentation. The project will be approximately 300 ft. from his home. The main concerns are as follows: safety hazards, health risks and increased noise.

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02:09:04 Ms. Smith stated she objects to the gas station unless someone has done an impact study for the nearby homes/properties. There will be a negative economic impact.

02:19:57 Stephen Puricelli complained about the due process – can't see screen, no heat in the building, projector is too small, our voices have not been properly heard and couldn't hear the experts speak. The commissioners represent the citizens and need to do their job. The neighborhood is an established neighborhood and you (commissioners) need to prevent this plan from being approved.

02:23:04 Ken Thieneman stated the nearby homes are going to be economically destroyed and made unsafe.

Mr. Thieneman discussed FHA guidelines. This form district was specifically designed to protect this subdivision (he built) and should not be changed. There are other sites that would be compatible and have no residential impact.

02:26:21 James Jones said the railroad tracks were there when he bought his property but he did not foresee the gas station being placed in front of his house. The proposal does not comply with the Comprehensive Plan 2040. It's too close to an established neighborhood, nothing in the plan to protect the safety and health of nearby neighborhoods and the proposed fence does nothing to mitigate the noise and pollution.

02:38:26 Melody Burns said a major concern is the plan for an entrance/exit structure on Flowervale Ln. Other concerns are as follows: loss of peace of mind living in a quiet and safe neighborhood; children's safety at risk; elevated rate of drugs and crime to neighborhood; home is largest investment; and, if built, a need for a suitable barrier.

02:42:58 Mike Searcy (Inaudible). We don't need another gas station. If RaceTrac sells the property, the new owners may not take good care of the property.

02:47:40 Misty Pack (Inaudible). Ms. Pack discussed the vapors and E. Orell. The values of the homes will decrease.

02:52:22 Martina Kunnecke said she can't hear the speakers and it's not due process. The proposed development is not appropriate for this community.

Rebuttal

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02:56:41 Mr. Ashburner (Inaudible). There will be some screening and planting. Dixie Hwy. is a major arterial roadway. The proposal is in compliance with the Comprehensive Plan 2040.

Several commissioners complained of not being able to hear the rebuttal due to technical issues.

03:30:43 Chair Lewis stated, due to the technical difficulties, this case will be continued to the March 18, 2021 Planning Commission meeting (all virtual). The tapes are fine so the commissioners can review the tapes and ask questions at the next meeting. A staff member will be at the Valley Hope Center Gym, 10803 Deering Rd. for anyone who wants to attend the meeting at this location.

NO DELIBERATION

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the March 18, 2021 regular Planning Commission meeting at 1:00 p.m.

The vote was as follows:

YES: Commissioners Brown, Clare, Daniels, Peterson, Seitz, Sistrunk and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard and Mims

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

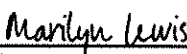
Policy and Procedures Committee
No report given.

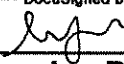
CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 10:14 p.m.

DocuSigned by:

Chair BBFFBFA70FE34D6...

DocuSigned by:

Planning Director