



CITY OF SHIVELY

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January 12, 2022

Louisville Metro Planning and Design Services
444 S. Fifth Street, Suite 300
Louisville, Kentucky 40202
Attn: Zachary Schwager – Case Manager

RE: 3502 7th Street Road – Proposed Temporary Tow Lot

Dear Mr. Schwager,

On behalf of the City of Shively, and in view of the scheduled and upcoming Development Review Committee meeting on January 19, 2022, the City of Shively extends this letter to express its concerns about the proposed temporary tow lot to be installed by Louisville/Jefferson County Metro Government at 3502 7th Street Road in the City of Shively.

On January 3, 2022, this matter came up for discussion at the regular City of Shively Council Meeting. The Shively City Council and numerous residents of Shively expressed their concerns about the effects of the installation of the temporary tow lot and, among other things, how its presence would affect the neighboring properties and, moving forward, the overall image and goals of the City of Shively. It should also be acknowledged that Louisville Metro never approached or reached out to the City of Shively to confer and discuss its plans for the proposed tow lot. Rather, city officials and property owners first learned of the plans only after the proposal had been reported to the local press.

Following a lengthy and at times passionate discourse on the matter, the Shively City Council unanimously voted to oppose the installation of the proposed temporary tow lot.

Notwithstanding the City of Shively's opposition to the proposed temporary tow lot, Louisville Metro has filed a Community Facility Review Application with Louisville Metro Planning & Design Services for its consideration of the proposed tow lot.

The City of Shively ascertains that Louisville Metro, pursuant to KRS 100.361(2), has invoked its status as an instrumentality of state government to avoid the required approval of the Planning Commission of the proposal that would otherwise be governed by the City of Shively zoning regulations. However, as the statute further requires, Louisville Metro, via its application, has filed information regarding its proposal of the temporary tow lot to the Planning Commission.

It is the City of Shively's understanding that the Planning Commission must consider whether the proposed project is in accordance with the Comprehensive Plan. It is the city's further understanding that the property located at 3502 7th Street Road is considered to be a traditional workplace community form district pursuant to section 3.1.9 of the Comprehensive Plan, and Louisville Metro has submitted its application with treatment of its proposal as a Community Facility.

The goals of the Community Facility as demonstrated in Section 4 of the Comprehensive Plan are threefold: 1) to ensure community facilities are accessible, 2) to plan for community facilities to improve the quality of life and meet anticipated growth and lastly 3) to design community facilities to be resilient and compatible with the surrounding neighborhood.

In particular, the objectives of goal 2 indicate that land use policies guide the location, type and design of community facilities in Louisville Metro. In addition, and importantly, the objectives reflect that environmentally sensitive management practices are encouraged for all community facilities and further that the use of health impact assessments is encouraged when planning community facilities.

The presence of a tow lot at 3502 7th Street Road could certainly have a negative environmental impact as it relates to the storage of abandoned or wrecked vehicles and the likelihood of leaking contaminants into the ground. It should be noted that many residential properties in the City of Shively back up to the proposed site.

The objectives of goal 3 include that the location, design, scale and intensity of community facilities enhance the character of neighborhoods, and community facilities and utilities intended for public access are designed to be welcoming.

The presence of a tow lot would certainly neither enhance the character of the neighborhood, nor would it be welcoming.

The policies for land use development under goal 3 require a review of the location and design of new community facilities, as well as major expansions to existing community facilities, to ensure compatibility with the immediate vicinity and any surrounding neighborhood. Furthermore, the policies indicate a requirement to design community facilities within residential areas so that they will not detract from the residential character of the immediate neighborhood, and mitigation may be required to address issues such as signs, noise, lighting, traffic, parking, and odors.

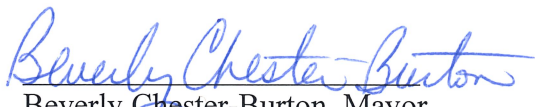
Programmatic policies indicate an obligation to promote environmentally responsible design and management policies for publicly owned land.


Despite the negative impact that the proposed tow lot would have on the adjacent residential neighborhoods as well as the negative environmental impact, certainly the proposal would have a negative economic impact on the community at large. Such an impact would include decreased land values of adjacent properties. In addition, its

presence on 7th Street Road, a corridor to Churchill Downs, would have a negative impact on tourism and would reflect poorly on the image of the City of Shively. Louisville Metro's intention to use the property as a tow lot eliminates the economic development potential of the property and stands contrary to the possibility of enhancing the property. The use of the property as a tow lot also precludes taxable income generated to both Louisville Metro and the City of Shively.

In closing, this letter is meant to provide advanced notice to Louisville Metro Planning and Design Services of the City of Shively's position that the installation of a temporary tow lot at 3502 7th Street Road would have a serious and negative impact upon adjoining residential property owners and the City of Shively at large.

Sincerely,


Beverly Chester-Burton, Mayor
City of Shively


Finn Cato
Shively City Attorney

cc: Shively City Council
Mitzi R. Kasitz, Shively City Clerk