

EASTWOOD VILLAGE COUNCIL (EVC) EXECUTIVE BOARD'S COMMENTS
REGARDING THE REQUEST FOR VARIANCE/WAIVERS
FOR SPRINGDALE AUTOMOTIVE – EASTWOOD
Case No: 15Variance 1014
APRIL 6, 2015

SUMMARY:

EVC **does not believe** granting the requested variance/waivers **is in the best interest of new commercial development in Eastwood Village** for the following reasons:

Variance: Setback

- a) setback to enable entry point "cut" off Shelbyville Road is **unsafe** and may add to the already high accident rate; cut is too close to Johnson Road;
- b) no guarantee the existing single family residence (16119 Eastwood Cut-Off Road) will remain at the rear of the proposed new building, **if removed after granting variance it will alter the essential character of the general vicinity;**
- c) the proposed building will be within 25 feet of the existing residence at 16115 Eastwood Cut-Off Road and will cause a **noise nuisance and a hazard** with the vehicles to be serviced entering and exiting the 2-service bays proposed within new building from Eastwood Cut-Off Road;
- d) locating the 48 feet wide by 102 feet long by **30 feet high** proposed new building approximately 148 feet from front yard setback will position it **behind and above the existing Eastwood Stove Shoppe** whose roof apex is approximately **only 23 feet high**.
 1. Lot shape and topography do not support **this size building;**
 2. Provisions of the regulation existed and were known **prior to the (new owner) applicant's purchase** of this property;
 3. Circumstances are the result of actions of the applicant. Other business owners (Zora's) **were required to redesign their building and position it** on property to comply with the setback requirement.

Waiver #1: Parking Location

- a) the adjacent property (Eastwood Stove Shoppe) has parking **beside the building** and not in front; the property across the street (Kentuckiana Auto Sales) is **not the established pattern to be promoted for new commercial development**. The Eastwood Neighborhood Plan references "visual blemishes"

that existed prior to the creation of the Plan. The purpose of the Plan is to not continue this pattern;

- b) the Cornerstone 2020 references cited by Staff are intended to ensure compatibility of all new development with the scale and site design of nearby **existing development that complies with the Cornerstone 2020;** using non-compliant existing development to justify continued non-compliance of new development will **circumvent the intent of Cornerstone 2020** and the Eastwood Neighborhood Plan; **Zora's and Eastwood Stove Shoppe are examples of new developments that comply.**
- c) new developments (Zora's and Eastwood Stove Shoppe) **were not granted parking waivers** and that is the established pattern to be used for new development; using non-compliant old parking pattern of Kentuckiana Auto Sales circumvents the intent of Eastwood Village Plan and Cornerstone 2020;
- d) the proposed 3 foot masonry wall and a berm **will not buffer the view of the parking location** from Eastbound traffic on Shelbyville Road; the provisions of the regulation **were known prior to applicant's purchase of this lot** with the 28 foot difference in elevation from the north end to the south end of the site.

Waiver #2: Sidewalk along Shelbyville Road

- a) **There are other sidewalks in the area** (reference Zora's) and there are plans to build sidewalks in Eastwood Village to accommodate the draw of visitors/shoppers to Eastwood as result of draw of The Parklands (Beckley Creek Park); use of the old charging station at corner of Eastwood Cut-Off Road and Fisherville Road to re-charge batteries on transit buses that are expected to commute to Eastwood Village by 2020 is anticipated;
- b) There are other sidewalks in the **new** commercial development area (Zora's); a sidewalk waiver for Zora's **was not granted**; the approved plan for the Shoppes at Gardiner Park **was not granted** a sidewalk waiver.
- c) **New** commercial developments **were not granted sidewalk waivers along Shelbyville Road** (Zora's and Shoppes at Gardiner Park).

Waiver #3: Pedestrian Connection

- a) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection;
- b) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection;
- c) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection;

- d) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection.

Waiver #4: Landscape Buffer Screen (eastern perimeter)

- a) **Waiver, as suggested by staff, can be granted.**
- b) Guideline 3, policy 24 **reference to parking should be clarified to identify** if/where **parking for the tenant** renting the existing residence on the property will be located, and where **parking for the employees'** cars and **customers'** cars will be located at the Eastwood Cut-Off Road end of the property; storm water runoff volumes and velocities associated with the impervious surfaces of the proposed building and parking area **will be increased** and emptied into the **exposed gutter along Shelbyville Road**;
- c) EVC agrees with staff comments and would like to add that compliance with **any setback requirements** on this eastern perimeter of the property needs to be confirmed;
- d) EVC agrees with staff comments.

Waiver #5: Landscape Buffer Screen (western perimeter)

- a) The **waiver should not be granted** because the existing business adjacent (Eastwood Stove Shoppe) has a wrap-around deck that will be within 20 feet of the edge of the proposed parking lot, also the eastbound Shelbyville traffic should be shielded from the parking lot – it is not clear if overnight parking is anticipated and if so, where the parking area lighting will be; storing of tire inventory outside the front of the proposed building is also a concern and would need to be shielded from view;
- b) EVC **disagrees with staff** that the screening required along proposed parking lot to be accessed off of Shelbyville Road **could possibly be eliminated** since it is located adjacent to an existing business. As stated in a) above, the deck of the existing business will be within 20 feet of the edge of the proposed parking lot; **setback requirements** on this western perimeter of the property need to be confirmed;
- c) EVC **agrees with staff** comments;
- d) EVC **agrees with staff** comments.

Waiver #6: Landscape Buffer Encroachment

- a) EVC **agrees with staff** comments;
- b) EVC **agrees with staff** comments **except that runoff volume and velocity is a concern**;

- c) EVC **agrees with staff** comments;
- d) EVC **agrees with staff** comments but needs to add that **the sloping lot and the development challenges it presents were known prior to the applicant's purchase of this narrow parcel** and therefore these pre-existing conditions **should not now be allowed to be the justification** that the strict application of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF CONCLUSIONS

EVC **disagrees with staff conclusion** and requests the Board of Zoning Adjustment does not approve the applicant's request for variance and waivers.

ADDITIONAL EVC QUESTIONS/CONCERNS:

- 1) Where do the employees park?
- 2) Where do the tenants park?
- 3) Proximity of the proposed Shelbyville "cut" to Johnson Road intersection may add to the already high number of accidents occurring along this stretch of Shelbyville Road (per the FD station personnel).
- 4) The exterior of the proposed building needs clarification regarding the building material to be used (per Eastwood Neighborhood Plan).
- 5) If existing residence at rear of property is removed, what will replace it?
- 6) Closeness to the residence at 16115 Eastwood Cut-Off Road.
- 7) If building were closer to Shelbyville Road, could the building accommodate a drive-thru feature to park cars in the rear of building?
- 8) Is this 2-bay size building (approx. 5,000 sq ft) too large for lot?
- 9) Placement of tire stacks (see photo)?
- 10) Placement of tire namebrand signs (see photo)?
- 11) Backlit signs?
- 12) Overnight car parking and parking lot lighting.
- 13) Sewage?

NEXT EVC STEPS:

- 1) EVC is scheduled to meet with the applicant on April 14, 2015 at the EVC monthly meeting to discuss their submitted plan.

- 2) EVC is contacting transportation to review their decision of allowing the "cut" in Shelbyville Road.
- 3) EVC is contacting the owners of the property along Eastwood Cut-Off Road to ensure they are knowledgeable of the proposed variance/waivers; initial contact has been made and neither are aware of this variance/waivers request to BOZA.





REQUIRED ROUTE TO GET FROM
FRONT TO REAR

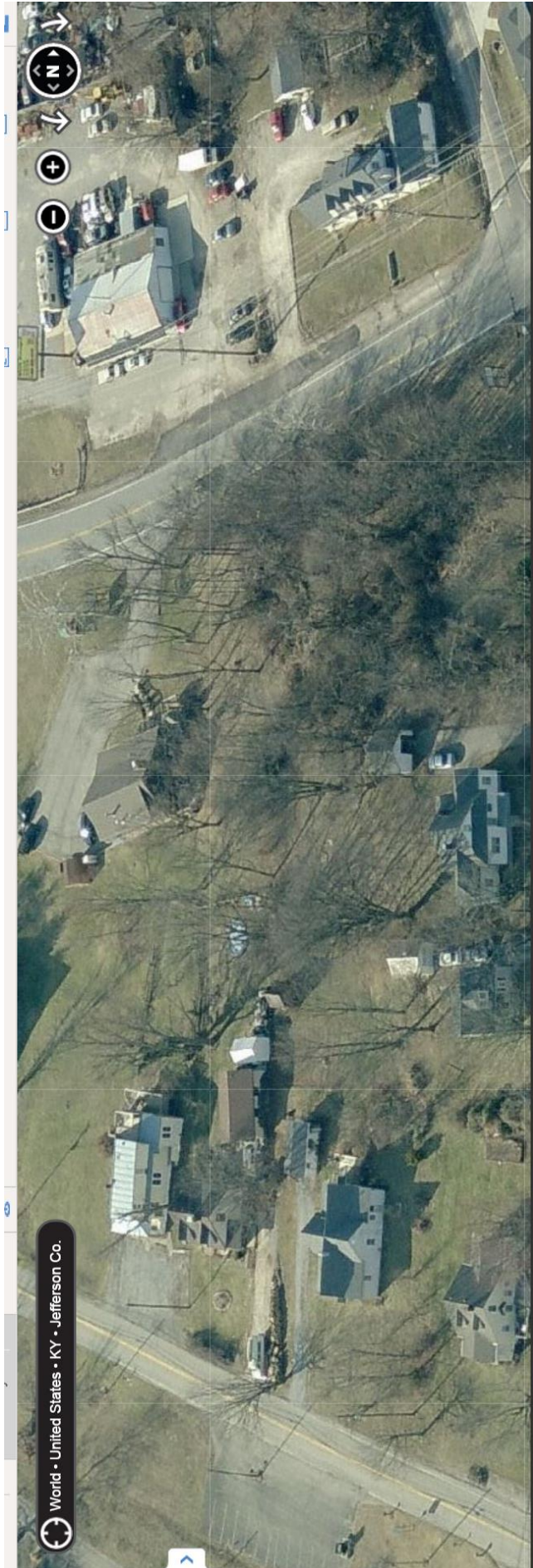


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ZORA'S



FOOTPRINT



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