

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: July 17, 2014

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members present: Tom Baird (Vice-Chair), Jason Ray, Jim Hansen, Gabrielle White, Phil Young, and David Shuler. Staff in attendance: Ralph Rognstad, Director, Planning & Development, Bob Hosmer, Principal Planner; Marianne Banks, Assistant City Attorney, Ron Colson, Public Works, Dawne Gardner, Public Works, Sandy Goddard, Administrative Assistant. Absent: Edwards and Cox.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of July 3, 2014, were approved unanimously.

COMMUNICATIONS:

IV. UNFINISHED BUSINESS:

1. Planned Development 323 Amended
(1530 East Erie Street)

TLC Properties

Mr. Hosmer noted this item was tabled at the July 3, 2014 meeting. It is a request to rezone approximately 18.61 acres of property generally located at 1530 East Erie Street from Planned Development District No. 323 to Planned Development District No. 323 Amended for the purpose of increasing the maximum density dwelling units. The applicant would like to add an additional thirty-three (33) units for a total of three hundred-sixty-four (364) units. The applicant had originally requested to increase the maximum height within the development from three stories to four stories however the applicant has now requested to retain the maximum three story height limitations as originally proposed in the original PD. The one-hundred fifty (150) foot building setback and ten (10) foot parking lot setback will remain. After further review of the bufferyard along the south property line it was discovered the existing bufferyard is only ten (10) feet wide even though the bufferyard requirement within the existing planned development is a minimum fifteen (15) foot width. Staff is unsure how the bufferyard was permitted at the reduced width, however a research of past documents shows it has been this way since the drive and parking area were constructed. As part of this application, the existing ten (10) foot wide bufferyard and plantings along the south property line adjacent to the drive and parking area will remain, however a fifteen (15) foot wide bufferyard with additional plantings will be provided along the south property line at the southeast and southwest portions of the property as shown on the site plan. In addition, the requirement for a seven (7) foot high opaque masonry wall or wooden fence along the southern boundary will remain. There will be no access to Welwood as part of this plan. Mr. Hosmer noted there is a revised stormwater report which will be presented by Rodney Colson. This proposal will be going to City Council on August 4, 2014. On the posted sign for this case, there was a different date because it was tabled.

Mr. Colson reviewed the stormwater findings, stating he did some research on drainage plans and calculations for the Abby as well as the drainage system on Delaware and Walnut Lawn. Mr. Colson said he believes the existing Regional Detention Pond is working properly because it is filling up like it's supposed to. The fix on the grass swale will prevent from backing up in the parking lot on the Abbey and overflowing the curb and draining onto the adjacent property. Mr. Colson also reviewed pictures he had taken of the Abbey southwest parking area. Mr. Colson stated there was a lot of debris in the corner that prevented the drainage from getting into the water quality basin, getting into the new 36-inch pipe that drains to the regional detention pond. The big flows are going to the regional detention pond like they are supposed to. There is already a 30-inch pipe that drains their whole drainage system on the south side. They have added another 36-inch pipe to help the drainage get to the regional detention basin. As part of the new development, there is an existing drainage inlet and a 15-inch pipe stubbed out across the driveway for a future inlet to be installed. Mr. Colson said what he would ask the developer to connect to the inlet to a pipe that was stubbed out under the driveway and put in a gutter system on the building and tie it into that inlet and drainage system on the Abbey side so we do not have excess drainage water going out onto Delaware. They have offered to put in a supplemental basin to help make sure there will not be a backup of flow in the 18-inch pipe that drains along the parking lot and connects to the 30-inch pipe. In order for the Abbey Apartment Complex to construct an additional building in the southeast corner of the site, the City is requiring additional onsite supplemental detention in this area to prevent a backup of stormwater in the south parking lot. An engineering analysis will need to be completed by a Professional Engineer to determine the size requirement for the onsite supplemental detention basin and to ensure that the existing pipe/swale system can handle the addition runoff.

Mr. Hansen asked if the 36-inch pipe connected to the 30-inch pipe.

Mr. Colson stated there is a 30-inch pipe and a 36-inch pipe that comes to a junction box and then there is a 36-inch pipe that goes over to the regional detention basin. The 30-inch pipe wasn't working and they added another 36-inch pipe that is a smooth walled HDPE pipe.

Mr. Hansen asked about the timing of the peak flow, if it was affected by the added pipe.

Mr. Colson said the timing was for the drainage problems that were on Delaware and then going through Prairie Creek.

Mr. Hansen asked what storm event it is designed for.

Mr. Colson stated that he was told that it should handle a 100-year storm event.

Mr. Colson asked if the water ever got high enough in the area where the debris was back up to it got into adjacent properties to the south.

Mr. Colson stated he believes it has in the past. There is a hump between the curb and the property line; they have a big gravel landscape bed that is another foot or more from the curb so the water does have to get pretty high before it goes into the adjacent residential properties. If the debris is removed and they put in the channel like they are doing, that there will not be that build up of water.

Mr. Hansen asked where the regional detention basin drain to.

Mr. Colson stated the Fremont drainage system and then goes south.

Mr. Baird opened the public hearing.

Mr. Tyler Peck, H-Design Group, 5051 S. National Avenue, Springfield, stated he is speaking for the owner. Mr. Peck recapped the change from the proposed four-story to a three-story structure and the reduction to thirty-three (33) units. To reiterate, there would be no balconies on the building; on south side of the building there are very few windows. They are not adding any new parking for this new structure. Mr. Peck stated the owner has agreed to upgrade the swale to concrete at the City's request.

Mr. Baird asked if they were adding square footage to the building footprint.

Mr. Peck said yes; they are adding a few units on the north side while still meeting all the setback requirements.

Mr. Ray West, 3311 Southlyn Place, Springfield, spoke in opposition to the proposal. Mr. West questioned the runoff intensity and his concerns regarding the cul-de-sac area inlet. The inlet structure is not able to carry and get into the pipe system all the water that comes down the cul-de-sac, adding there was discussion of a possible change of the grate to something more appropriate to catch the water. Mr. West expressed concern about the pipes being flat sloped; if the 18-inch pipe is flat sloped it may not have the capacity to get the water from the inlets on down to the west. Mr. West expressed concern about the cul-de-sac at the end of Southlyn Place there is some road damage, concrete paving that appears to be increasing in depth in terms of the road settling. There is a sewer lamphole right at the property line and water runs across the top of it. He believes the stormwater that is coming down there is going in and around the sewer pipe. There is new cracking in the road, maybe three or four inches and it's getting worse. Mr. West stated that some of this could be the result of using eighty (80) percent runoff factor; that may be low. That may be the City standard, but when you look at situations when you have as much impervious material, rooftops, parking lots, and if you get into a rain situation where you have ground saturation, the ground is not able to soak up very much water and so the runoff factor is probably going to be higher than that, may ninety (90) percent or higher. The development shouldn't create an issue with the adjoining property owners. Mr. West commented on the plantings that could be put up to block the view from the apartments and people looking out their balconies into the back yards of the residential area commenting that they need to take care of some issues that are out there.

Mr. Hansen asked about the curb inlet on the cul-de-sac and where the water comes from.

Mr. West said it is not being picked up at the curb inlets, the new ones that were put in on Delaware.

Ms. Janet Wall, 1615 E. Walnut Lawn, Springfield, spoke in opposition to the proposal, stating that she is one of the people who met with Mr. Colson and Mr. West a week ago this past Wednesday. She said that Mr. Colson was going to suggest to the Abbey that they close the six (6) to eight (8) inch gap between the fence and the ground that runs south of the Abbey. Mr. Colson was going to suggest that on Prairie Creek that they run a scope through that small drain to make certain it's not clogged and draining properly, and thirdly a new grate as has already been mentioned. Ms. Wall said that Mr. Colson said that Erin Kemper said that this was an infallible system and he could not comprehend the story that the neighborhoods told him about the river of water four (4) to six (6) feet deep that ran even after the improvements from Prairie Creek over the curb, down through the yards and houses, through Walnut Lawn to go south another ten

(10) to fifteen (15) feet into the yard. In 2000 it went even further south to Hanover. It was difficult for him to comprehend that without pictures. This only happens when there is a large amount of rain in a short amount of time. Mr. Kemper was told the story about a car that had driven into the flooding waters after the improvements. Ms. Wall showed pictures but noted it doesn't show the curbs around Prairie Creek is only two (2) to three (3) inches high at most. It does not show that there is an eight (8) foot section where there is no curb at all which is allowing a lot of water to escape down the hill into the back yards into the drains. Ms. Wall shared comments from neighbors. Ms. Wall expressed concern about the bufferyard issue, and in actuality, there are some parts of the bufferyard that are only five (5) feet. How much more compromise of enduring of negative and damaging consequences should the neighborhood south of the Abbey take. The approval of PD 323 Amended will allow the tenants of the Abbey to steal the asset of privacy from everyone they look down upon, encouraging Commission to table the request until all issues can be resolved.

Mr. Leon Earwood, 3315 S. Welwood, commented for Jim and Crystal Dean who were present at the last meeting but unable to come tonight, stated they have water under his mother's house after the last addition to the Abbey and never before. His question is with the new proposed addition, if there is increase in damage to the house from water, what his recourse might be. Mr. Earwood commented the pictures show the result from the one inch rain in a three (3) hour period of time and the water back up would have been worse if there had been a one inch rain in an hour or a three (3) inch rain in three (3) hours. The pictures were self explanatory. Mr. Earwood expressed concerns about the water drainage asking if they make these changes to the east side, will the problem be shifted from the east side to the west side. He expressed concerns about privacy, decrease in property values, the garbage dumpster being moved, increase in traffic, lights shining through the fence at night, rental homes which do not increase the value of the neighborhood. What assurances does the neighborhood have that Welwood Street will not be opened to through traffic in the future.

Ms. Kathleen Trantham, 9707 East Farm Road 44, Marshfield, owner of 3307 South Welwood commented it is not fair to the homeowners. She is concerned about the possibility of a through street on Welwood adding she doesn't want to be an entrance to an apartment complex. Ms. Trantham expressed concern about the water drainage issue asking that the drainage issue be resolved before construction and if the issue is addressed, then bring this up again, adding it is their homes that are flooding and their home values that are going down. There are no advantages to the residents, but lots of advantages for the Abbey.

Mr. Hansen asked if there has always been a water problem with her home.

Ms. Trantham said there are no current problems with the house that she is aware of. Her son lives in the house.

Mr. Hosmer noted that there is no access allowed on Welwood Street, it is prohibited by the Planned Development language. Also, the dumpster is on the site plan so they wouldn't be able to change that.

Mr. Baird asked if the old dumpster location was on the site plan or is the new dumpster location on the site plan.

Mr. Hosmer stated both; it will be part of the site plan and part of the approval process.

Mr. Sam Coryell, 1531 E. Bradford Parkway, Springfield, commented that opening Welwood is the last

thing he would do, commenting he didn't want to put in the entrance off Delaware because he liked having one entrance. Mr. Coryell stated that they went to work to correct the issues that Mr. Colson found. He has been more aggressive with his staff in seeing if there are any issues on the back property line. Mr. Coryell stated they will put the swale in and it should divert the water to where it needs to be. Rentals become part of the neighborhood when it ages; there are people who turn their houses into rentals for various reasons. There will be no balconies on this new building; north, south, east, or west.

Ms. Carol Coryell, 1631 E. Bradford Parkway, Springfield noted they want to be good neighbors. If any of the neighbors should see any of the residents of the Abbey with binoculars out on the existing balconies looking into their area to let them know and better yet, take a picture because they don't want that and would address it with the resident.

Mr. Baird closed the public hearing.

Mr. Hansen questioned Mr. Colson about the drainage and where it goes.

Mr. Colson stated there is an existing 15-inch pipe that was stubbed out across the driveway and Mr. Colson proposed that they put an inlet in, to tie in the existing system to capture any extra impervious area so it won't drain onto Delaware, rather it will go into an 18-inch pipe (showing on the display the way the lines run). They want to add supplemental detention and water quality that the 15-inch pipe will drain into and will come out of the detention basin and go through the 18-inch pipe, showing on the display where it comes out. Anything that that can't handle will go down the parking lot through the extra gutter that was added and through the new swale they are building and it should drain very well into the detention basin that's on the southwest corner.

Mr. Hansen commented that the southeast corner has an 18-inch pipe but it doesn't have a basin right now.

Mr. Colson said yes.

Mr. Hansen asked what the 18-inch pipe is for then.

Mr. Colson stated they have inlets that are along...

Mr. Hansen asked if there is enough elevation there, to make a basin that would drain into that 18-inch pipe.

Mr. Colson said yes.

Mr. Hansen asked if the applicant were to gutter the building and direct that into the new basin, that would in effect neutralize the new impervious area.

Mr. Colson said he believes it will. The applicant still has to provide calculations and plans, but that is what it would do.

Mr. Hansen asked if adding that would prevent runoff onto Delaware that goes into the cul-de-sac and causes the problem.

Mr. Colson commented that is correct, adding he spoke with Public Works about changing out the grate on the end of that inlet to put in a new higher flow grate, putting in a new grate that can handle more water.

Mr. Baird commented this is a good example of a developer trying to be good neighbors and good stewards of the community. The neighbors have brought up some very good concerns and over the last several weeks we have seen the developer listen to those concerns by moving a trash dumpster and beginning construction to helpfully alleviate some of the water issues. Mr. Baird stated he planned on supporting the proposal.

Mr. Lawhon noted that he is encouraged that a developer listened to the residents and is willing to make the changes they have. The water issues that were mentioned were what had occurred in the past and really didn't address how this might make this issue worse. Mr. Lawhon stated he too would support the proposal.

Mr. Lawhon motioned to **approve** Planned Development 323 Amended. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox.

Mr. Baird noted that the case would go forward to City Council on August 4, 2014, and there will be a public hearing at that point in time as well and everyone is welcome to give their opinion to Council as well.

V. PUBLIC HEARINGS:

2. Planned Development 308, Final Development Plan (3800 E. Cherry Street)

Hickory Investors, LLC

Mr. Hosmer noted that the next two issues are items that the Planning and Zoning Commission do not normally see, but these are final development plans that are submitted to the Administrative Review Committee (ARC) for an administrative review and approval, however these two cases the ARC could not administratively approve. This is to review the final development plan that the Administrative Review Committee cannot approve because single-family residential is not listed as a permitted use in Planned Development 308. Planning and Zoning Commission must determine whether Planned Development 308 permits single-family uses. If Commission believes that it does, then staff recommends approval because the layout and design substantially conforms to the multi-family condominium development. The western-most drive that has been constructed as a fire access will not create traffic issues if it is opened as a permanent access to the development. Conditions for approval are as follows: Signage will be placed at both private drive entrances off Cherry Street indicating that public maintenance ends. There will be no named street and addresses will be from Cherry Street with building letters or numbers similar to the existing buildings. The applicant is proposing a revised FDP with 35 new single-family condominium units. Planned Development 308 currently permits multi-family residential uses and residential condominiums. The applicant believes that the single-family residential uses are permitted, even though single-family residential uses are not listed as a permitted use, because they will be residential condominiums (see attached letter). The ARC determined that the residential condominium is not a use, but rather a subdivision or ownership of property. The ARC does not know why residential condominiums are listed under permitted uses. Staff believes the proposed Final Development Plan merits approval. Additionally, if Commission approves this request this will not set precedence for future decisions because other planned developments may or may not list residential condominiums as a permitted use.

The existing private driveway system is not constructed to City street standards. The Public Works Traffic Division is concerned that in the future residents of the development will expect the City to take over the operations and maintenance of this private driveway system. This is already a possible request with the multi-family condominiums. Staff believes that by requiring signage at the drive entrances stating that public maintenance ends, future residents will continually be on notice that this is a private driveway system. This final development plan does not constitute a subdivision of land and a new preliminary plat for the new condominium plat will need to be submitted. Staff is recommending approval.

Mr. Hansen asked for an explanation when you say that this will not set a precedence for the future.

Mr. Hosmer said this will only affect this development and the City will not implement this type of decision across the board on other cases. This will be on a case by case basis.

Ms. Banks stated that Planned Developments are unique; they are a separate zoning classification in and above themselves for each property that is zoned that way. That is why it does not set a precedence. If this were a general zoning classification then it would.

Mr. Hansen noted he is skeptical. It would seem that it would set precedence whether legally or not.

Mr. Rognstad stated they would have to come back through the same process, if it was say PD 309 and they say they have the same language and we think you should treat it the same. We would not approve it administratively; it would have to come back to Commission. Commission would make that determination.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield, commented he is representing the owners. Mr. Lee said he would gladly welcome Commission to apply this to everybody from here on because the language allows them to put in single units. Mr. Lee referred to the letter he wrote to the City of Springfield with a uses section and it says residential condominiums and the definition of a condominium in there. If this was applied to everyone fairly would be a positive or anyone with a PD. The language speaks for itself that he has placed in the letter. Residential means people live there and condominiums is a defined use as a building or buildings. This is not a big stretch that they are asking that they be allowed to put a residential condominium when it's in the uses section. If you look around, no one is opposing this. This is a good development. What they had before was quads; four units and we had a higher density. The reason no one is opposed to this is because we are going to put in a less dense development. Previously, they could have put in sixty-eight (68) more units than what is there and instead they are going to put in thirty-five (35) more units so they are close to cutting the density of this in half. There will be less impervious area. They don't have stormwater problems. Mr. Lee stated this is a good thing. What staff has said is that this one residential condominium would be better if it was single family. This plan is to build four (4) or five (5) houses at a time and condo those and sell them and they want to get started and don't want to wait three (3) or four (4) months to go through the process to change the language in the PD and spend the extra money.

Mr. Hansen stated Commission has to consider this on the merits and not on their emergency.

Mr. Lee said that if Commission votes no, they can go through the process in two months and vote on it

again and go to City Council; no one will oppose it then. Mr. Lee stated he wanted Commission to know why there are here tonight and why they don't want to go through the process that the City Staff laid out. Residential Condominium definition says a building or buildings is an approved use.

Mr. Hansen asked Mr. Lee to describe the project.

Mr. Lee described the project which is to build out speculative houses and sell them as condo units. They want to put one unit under a roof so that it's more like a single family residential development even though they are condo units. Mr. Lee reviewed what a condo unit is.

Mr. Hansen asked how a condo is different from a single family residence.

Mr. Lee stated they would prefer to have these rezoned single family residential, if that is what you are asking. But it was zoned already and this infrastructure was placed in with it being condo units. In order for them to do that, they would have to bring the streets up to city standards and this is something they have been back and forth with the City of Springfield for several months trying to figure out the best way to allow typical two thousand (2000) square foot houses to go on this development. In the use section they said residential condominiums; everything else staff feels comfortable with but that.

Mr. Shuler stated he is guessing the market for the quads hasn't been what the developer hoped it would be adding condo fees are based upon how many units there are asking if they have met with the people who own in the quads as to how this will affect what they pay for condo dues.

Mr. Lee said the people in the units were contacted and they are in favor of this. Their only issue is whether residential condominium means something.

Mr. Bryan Wade, 901 St. Louis Street, Springfield, stated he is representing the owner of the property. The amenities are already built there and the existing roads are in place. Mr. Wade reviewed the original PD drawings that created this issue. The proposal was that they would have four (4) unit condominiums in the entire development, so there would be a higher density with the original proposal. It doesn't specifically say single family residential in the Planned Development so we have a concern if whether you can go from four (4) something's to one (1) something and even though we are reducing the density, we believe this development conforms to the general area and it will be built appropriately. In the actual Planned Development document that was approved in 2007 there are multiple definitions for dwelling and it includes dwelling unit, dwelling attached, dwelling detached, dwelling multi-family, dwelling two-family, dwelling semi-detached, for the different kinds of development properties that might be built in this PD. It may not have tied in too well to the actual use section but as Mr. Lee pointed out, the use section defines one of the uses as residential condominiums. There is a maximum that can be built, not a minimum so if you want to build seven (7) something's, you can do that, down to one. That's the unusual circumstance here we are building a one something and as opposed to something more. Mr. Wade reviewed what a substantial conformity is so the question for Commission is whether or not one condominium unit is ok under the Planned Development or that's a deviation from the PD as drawn or as written.

Mr. Wade reviewed the substantial conformity definition in the explanation point by point adding that based on the definition of the City Code this particular proposal does not deviate from the Planned Development. It meets all the criteria in the City Code.

Mr. Baird closed the public hearing.

Mr. Baird referred to exhibit one in the staff report which is requirements and standards applicable to Planned Development District No. 308, specifically dwelling detached.

Mr. Hosmer stated that staff agrees that it is in the definition that that would be defined as a single family residential unit, however, if you go to page 15-24, item number one through seven (7) where the use is permitted, it does not have single family residential and that is why the Administrative Review Committee did not feel comfortable with approving that because residential condominiums is an ownership and not a use. The Residential Condominium is a subdivision of property and ownership.

Mr. Baird asked if it is a mistake that dwelling detached is in there if the one above it, dwelling attached is a one family dwelling and the one below is dwelling detached, should that have been eliminated from this.

Mr. Hosmer stated that the applicants put these Planned Developments together on their own and we take a look at them, but they neglected to put single family residential as a permitted use. There are different uses categories in the districts that they are not applying for such as R-TH. Staff does agree that if it's substantially compliant with the site plan that Planning and Zoning Commission has the authority...Mr. Hosmer pointed out on page two of the staff report, the Zoning Ordinance, in Item E that Planning and Zoning Commission can rule upon. Mr. Hosmer stated staff is comfortable with however Commission wanted to rule on this and going forward.

Mr. Hansen noted he doesn't see any reason not to approve this.

Mr. Rognstad stated it is a question of the language of the ordinance and that we don't agree as to exactly what it says and we are bringing it to Commission to be the referee. Mr. Lee reviewed what the process would be if Commission did not approve this tonight and they would go through the amendment process and we would recommend approval of the change to it.

Ms. Banks stated the Administrative Review Committee which is the Director's of Building Development Services and Planning and Public Works; they are only granted certain authority and it really has to match exactly what was presented to Commission before for the Final Development Plan. If they had questions about it they couldn't approve it and that's the reason this is here. This is a question related to the language.

Mr. Hansen motioned to approve Planned Development 308, Final Development Plan recognizing there is a substantial conformity between such plans and further Final Development Plan. Mr. Lawhon seconded the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox.

3. Planned Development 329, Final Development Plan
(2208 W. Chesterfield Boulevard)

Chesterfield Lofts, LLC

Mr. Hosmer noted this is a request to approve the revised final development plan with a covered parking garage that the Administrative Review Committee cannot approve due to its lack of conformity to the approved planned development but which merits approval despite this lack of conformity. Planned Development 329 does not allow commercial off-street parking as a permitted use or accessory use. The

revised final development plan lacks substantial conformity to the Planned Development Ordinance approved by City Council but merits approval notwithstanding such lack of conformity. The applicant has proposed to subdivide a lot for a covered parking garage use for the Chesterfield Lofts. The planned development language does not allow for commercial off-street parking lots or structures as a permitted use or as an accessory use. The Administrative Review Committee (ARC) determined that a commercial off-street parking garage could not be approved administratively. The intent of the planned development was to allow commercial off-street parking structures and uses as an accessory use since this is what is occurring with all the commercial uses in the Chesterfield planned development. If Commission believes that commercial off-street parking is permitted by the Planned Development ordinance, then staff believes the proposed Final Development Plan merits approval. All other requirements of Planned Development 329 Amended have been met with the revised final development plan. Staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield stated they want to put garages in. They go with an already approved Final Development Plan to put retail on the bottom and with residential on the top. Because this is a development that's mostly built out, there were many voting members as part of all this. The vote went 137 for, zero against. Mr. Lee stated he is asking to amend the Final Development Plan to put the garages in.

Mr. Baird closed the public hearing.

Mr. Lawhon motioned to **approve** Planned Development 329, Final Development Plan that it is in substantial conformity. Mr. Ray **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox

4. Subdivision Variance 348
(200 block Chesterfield Blvd)

Chesterfield Square Property Owner's Assoc.

Mr. Hosmer noted the applicant is requesting a variance from Section 407(2) of the Subdivision Regulations, which requires all lots to abut by their full frontage on a publicly dedicated street. The applicant is proposing a non-residential administrative re-plat to subdivide a portion of the Common Area of Chesterfield Square Phase III. The purpose is to create one additional commercial lot along Overland Avenue which is on a 50 foot utility, sanitary sewer, and private access easement frontage. The proposed administrative re-plat will allow an additional commercial lot to be created. The property will only be allowed as an accessory use for the purpose of providing an off-street parking facility for the Chesterfield Loft Apartments. Overland Avenue is not dedicated as a public street. This easement is providing access for a number of existing lots that only have their frontage from the James River Freeway but have their access to a public street through Overland Avenue. Staff is supportive of this request for a lot without full frontage, because it allows all lots involved in the re-plat to retain adequate access and open space.

Mr. Baird opened the public hearing.

Mr. Derek Lee, 2101 W. Chesterfield Blvd, Springfield stated they are asking to count Overland the way it has always been counted. It was not dedicated as a public street but there are many other places at Chesterfield Village that use this as their only access. Mr. Lee stated they are putting in a garage that will

not increase traffic.

Mr. Baird closed the public hearing.

Mr. Young motioned to **approve** Subdivision Variance 348. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White and Shuler. Nays: None. Abstain: None. Absent: Edwards and Cox

Mr. Hosmer informed Commission the next meeting is July 31, 2014 and that there will be no meeting in August.

There being no further business, the meeting was adjourned at approximately 8:27 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', with a long horizontal flourish extending to the right.

Bob Hosmer, AICP
Principal Planner