

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JULY 7, 2016

VII) PUBLIC HEARINGS AND SUBDIVISIONS

Case # 16-142

A request by G&E HC REIT II Columbia C/0 American Healthcare, and Schaumburg Properties, LLC (property owners) to rezone land from R-3 (Medium Density Multiple-Family Dwelling District) and C-3 (General Business District) to O-P (Planned Office District); and to approve a major amendment to the Landmark Hospital O-P development plan. The 5.19-acre subject site includes the existing 4.7-acre Landmark Hospital site on the northeast corner of Old 63 and Alfred Street, and a proposed 0.49-acre off-site parking area located on the west side of Old 63, north of McAlester Street, approximately 320 feet north of the hospital site.

Case # 16-144

A request by Schaumburg Properties, LLC (property owner) for a two-lot replat of R-3 (Medium Density Multiple-Family Dwelling District) and C-3 (General Business District) zoned land. The 0.96-acre subject site is located on the west side of Old 63, north of McAlester Street, and is addressed 805 Old 63.

MS. LOE: May we have a staff report, please.

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends:

Case #16-142: Approval of the O-P rezoning request, including the associated statement of intent. Approval of the amended O-P development plan to allow the 10,000 square foot building addition and incorporation of the 33-space off-site parking lot.

Case #16-144: Approval of the proposed replat.

MS. LOE: Are there any questions of staff?

MS. RUSHING: I have a question. So my understanding is that they are going to be constructing additional parking towards the northwest, but they won't be improving the existing parking area?

MR. MACINTYRE: The existing parking area, at least at its borders, will remain unchanged, so there will be some modifications at the edge of the new building addition where it bumps out. And aside from that, there is no expansion of the impervious area.

MS. RUSHING: No. I'm talking about the site to the north.

MR. MACINTYRE: Oh, I'm sorry.

MS. RUSHING: Where on the west it -- they would be adding -- it appears from what I'm looking at, they would be adding parking spaces and constructing those spaces. On the east -- the southeast portion, there is already parking, but they're not going to be required to improve that area; is that correct?

MR. MACINTYRE: That's correct. As far as the impervious area and the existing parking

spaces, they might Overlay it or do some minor improvements to the surface. But with the exception of the landscaping along the western side of that existing parking area to meet our screening requirements, they would not be making any substantial changes to that existing striped parking area.

MS. LOE: Any additional questions of staff? Mr. MacMann?

MR. MACMANN: I have a few questions -- any you may not -- you may not know this, Mr. MacIntyre. The procedure room's expansion, that will significantly increase their ability to be -- do procedures on site?

MR. MACINTYRE: I'll have to let the applicant speak to it specifically. It has been explained to me though that, for example, somebody who needs to be -- who might need to be intubated for a procedure that would otherwise have had to take an ambulance trip -- no sirens --

MR. MACMANN: To the University --

MR. MACINTYRE: -- to the University or some other facility can now have that done on site. I should note though that the number of beds within the existing hospital is 32, I believe. That will remain unchanged. So it is merely adding a convenience or level of service increase to the --

MR. MACMANN: All right. I'll address that further to the applicant when -- when those guys speak about procedure expansions. In following up on Joy's point, are we going to have a stormwater issue up here in the very northwest when that new parking lot goes in?

MR. MACINTYRE: I believe the new parking lot would need to meet our stormwater -- well, it would meet -- it is subject to our stormwater requirements. I'm not sure to what extent those requirements would apply in this particular case, but they will be subject to them. A detailed evaluation of that would be -- would occur upon --

MR. MACMANN: It would apply for that building permit?

MR. MACINTYRE: Yes.

MR. MACMANN: Okay. One last question for right now. This is -- if I'm getting -- this is going to be employee parking. Is that what --

MR. MACINTYRE: Yes. So it's not going to be parking that is open to visitors or other --

MR. MACMANN: And this crosswalk there, pay to build it and we're going to maintain it? Did I follow that correctly or how is that going to go?

MR. MACINTYRE: That's actually a good question. I'm not sure --

MR. MACMANN: I mean, we typically --

MR. MACINTYRE: -- we would maintain it. I believe --

MR. MACMANN: We do if --

MR. MACINTYRE: -- we would --

MR. MACMANN: -- someone else pays for like a development agreement --

MR. MACINTYRE: Uh-huh.

MR. MACMANN: They might pay for it at the moment, but we maintain it over time.

MR. MACINTYRE: It would be within our right-of-ways, so my expectation would be that once it

is installed, we would maintain it.

MR. MACMANN: Do we have a commitment from these gentlemen and ladies to pay for this? It was proposed in your work up. It was listed, you know, as proposed.

MR. MACINTYRE: Oh, it's --

MR. MACMANN: Is that part and parcel? I'm not --

MR. MACINTYRE: Yes.

MR. MACMANN: That's fixed?

MR. MACINTYRE: Yes, it is. Yeah. It's -- I believe the Statement of Intent is where --

MR. MACMANN: Okay.

MR. MACINTYRE: -- is where it is mentioned.

MR. MACMANN: I just -- that's what -- when I saw that --

MR. MACINTYRE: Yeah.

MR. MACMANN: I wanted to clarify --

MR. MACINTYRE: It's secured.

MR. MACMANN: I'm good for right now. Thanks.

MS. LOE: Thank you, Mr. MacMann. Thank you, Mr. MacIntyre. Any additional questions? At this time, we will open the floor to the public. If anyone has comments they would like to make, please approach the podium and please give your name and address for the record.

PUBLIC HEARING OPENED

MR. BURCHFIELD: Yes, ma'am. Hi. Good evening. Jay Burchfield, 302 Campusview Drive. I'm -- it's been a long night, and it was a very detailed, good staff report. And we do kind of have three different applications appearing simultaneously that are all part of the same outcome. To answer a couple of questions, on the -- with Ms. Rushing, the existing parking lot to the southeast of the northern site -- the offsite, has recently been paved and striped, and so it is in very good condition. So there would be very little, if any, work other than the landscaping buffer to be established. The western portion of it is a gravel parking lot currently today -- kind of overgrown and graveled parking lot, so the scope of that work is almost more maintenance and Overlay in that -- in that scope of work for that parking lot. Yes, sir, it is employee parking. There are approximately 50 employees during the daytime hours; 20 at nighttime, so it is predominantly and probably exclusively going to be used during the daytime hours. And the hospital will most likely issue tags to their employees to kind of govern that. There -- it's been an open unrestricted parking lot for many years that have some spillover from the neighborhood --

MR. MACMANN: I work in that area occasionally.

MR. BURCHFIELD: Yeah.

MR. MACMANN: You're going to have a hard time keeping it empty --

MR. BURCHFIELD: Yeah. Yeah.

MR. MACMANN: -- but that's okay.

MR. BURCHFIELD: Yeah. Yeah. There's plenty of need for parking.

MR. MACMANN: Yes, sir.

MR. BURCHFIELD: To answer your question about --

MR. MACMANN: Procedure -- you're adding about 10,000 square feet of procedure space right now.

MR. BURCHFIELD: Well --

MR. MACMANN: That's the concept here.

MR. BURCHFIELD: Right. So the 10,000, feet, I would say, a little less than half of it is procedure space. The other half are men's and -- employee locker rooms and employee lounge, some restroom facilities. After seven -- this is the first and only long-term acute care center in Columbia -- and it's 42 beds, Steve, instead of 32. But it is licensed for 42 -- originally 42, and doesn't change. As the operation has evolved and this industry has matured, they found needs for ancillary spaces in the facility in addition to the procedure room areas. They are taking care of a higher acuity patient that is requiring more procedures, and it's hard on the patients --

MR. MACMANN: Transportation --

MR. BURCHFIELD: -- for transportation to do something that takes literally three minutes or ten minutes to provide medical transport, go to the hospital, do the procedure, and transport back.

MR. MACMANN: Now, can you -- let me follow up on that just a little bit. Right now you are an acute long-term facility. Right?

MR. BURCHFIELD: Yes, sir.

MR. MACMANN: Okay. You are -- I'm not sure how medical licenses work, so I -- bear with me a little bit. You are licensed to do all the procedures or you plan to be licensed to do all the procedures that you hope to do in the future onsite?

MR. BURCHFIELD: Already are.

MR. MACMANN: Already are.

MR. BURCHFIELD: it's licensed, Certificate of Need, none of that changes.

MR. MACMANN: Okay.

MR. BURCHFIELD: No other additional regulations are needed.

MR. MACMANN: All right. So you don't need to go to the hospital board or --

MR. BURCHFIELD: No.

MR. MACMANN: -- any of that stuff?

MR. BURCHFIELD: Correct.

MR. MACMANN: All right.

MR. BURCHFIELD: It's all being performed by physicians and physician's assistants and nurses and everybody already. It just gets to happen here. And the healthcare delivery costs goes way down.

MR. MACMANN: It does. I just -- I worked in the hospital industry for a while and I know that everything is very closely regulated.

MR. BURCHFIELD: Yeah.

MR. MACMANN: And I'm just trying to make sure that we are not making it worse. I don't -- of you, sir, I don't have any more questions right at this time. Please go on. I interrupted your presentation -

MR. BURCHFIELD: No, sir. I'm -- that is it. I'm -- we're welcome to answer any questions, obviously. We have -- our civil engineers are here; Dr. Kapp, the principal lead physician and the owner of the company is available, and so we can find an answer to whatever you have for sure.

MS. LOE: Ms. Rushing?

MS. RUSHING: The patients that you have here, are they long-term or short-term residents of the facility?

MR. BURCHFIELD: It's a long-term acute care facility. Differentiated from a short-term acute care -- Boone Hospital and University are short-term acute care. I'm very close with these days, but average length of stay, three days at a short-term care facility.

MS. RUSHING: Uh-huh.

MR. BURCHFIELD: Long-term acute care facility, they go from the short term -- from Boone Hospital or the University to this facility to wean off of a ventilator. So average stay, 35, 45 days.

MS. RUSHING: So are your patients ambulatory --

MR. BURCHFIELD: Well --

MS. RUSHING: -- generally?

MR. BURCHFIELD: No. They are not driving there and they do not live there. They are patients in a hospital room, but for a longer period of time as they are weaning off of a ventilator, for example. Once they are weaned off the ventilator, then they go home, wherever home is.

MS. RUSHING: Okay.

MS. LOE: Any additional questions? Seeing none. Thank you.

MR. BURCHFIELD: Thank you.

MS. LOE: Discussion? Additional speakers, please come up.

MS. LEONATTI: I'm Jean Leonatti, 3406 Wakefield Drive, Columbia, Missouri. I am currently serving as president of Columbia Country Club, and I'm here representing their interests. And I actually have a letter for the Commissioners, if that is appropriate. You have had a long night, so I'm not going to read the letter to you. I just want to highlight a few things that are there. We have some concerns about this development. We are located directly downstream from this facility. If you look at the map, Alfred just ends right in our property. And the runoff from the facility is conveyed through an unnamed tributary that goes through our property, and it ends up in Hinkson Creek. And that stream is located on the south side of our property and it is also located on the south side of a dam that we have on our irrigation pond. That stream and that pond have been there for over 50 years, so they are long standing. A few years after the construction of the Landmark Hospital, that stream has become unstable, causing bank erosion and stream bed breaking down; it has exposed some of our irrigation lines; some trees have died; clogging of the cart path bridges and pathways into storm sewer area; and of greatest concern right now,

it has -- the erosion has actually taken away a couple feet of the dam. So this part is not in the letter, but we are right now facing a \$50,000 project to have our dam shored back up again so it doesn't fall in. We believe this increased runoff has come from the Landmark Hospital. Some of their parking lot is damaged and not operating the way it is supposed to be; and it looks like the basin is full of sediment, so it is not catching stormwater like it is supposed to. We only found out about this project when I happened to be driving down the street last Thursday or Friday, so we haven't had a lot of time to look into all of it. We do have engineers working with us on our erosion problem. They have looked at the plan. We don't really see where the stormwater issue is being addressed or improved at all in this plan. It rather concerns us that it kind of looks like they think nothing has to happen stormwater-wise, and we would disagree with that. We believe that there is a provision that does require stormwater to be addressed through this proposal, and that is in the letter. I don't want to read that whole big citation to you. It is on the second page. The project was approved for stormwater management in 2008, and work has commenced on it. And so therefore, it looks to us like the stormwater management plan that was proposed in 2008 is still enforced, and it should be enforced with this particular plan revision. So based on the history of the pond and the stream being there for 50 years, and about the only thing that has changed in the last 20 years is the Landmark Hospital, our concerns about the erosion that is happening and the stormwater runoff and eminent failure of our dam, we would request that you not recommend this proposal as it is presented, and instead, we would recommend that that approval be conditioned on the following four items that are in the letter: One, is that the existing stormwater management facilities be repaired and they be maintained as required by the stormwater management covenant; that all new impervious surfaces be treated to a level of service of at least eight, per the stormwater management and water quality manual; all impervious surfaces be detained to predevelopment discharge rates; and that channel protection detention be provided for the entire facility. We have nothing against the hospital doing its expansion, but we certainly want to see the stormwater situation handled before they are able to go forward. Thank you

MS. LOE: Thank you. Are there any questions for this speaker?

MR. TOOHEY: I've got a question.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So the club also went through an extensive renovation. Is there any possibility that the issues with the dam could be from that renovation?

MS. LEONATTI: Actually, our renovation helped it because there was a new stream that was cut further up from this location, and so some of the rainwater from the neighborhood does come down through that new stream.

MR. TOOHEY: Okay.

MS. LOE: Any other questions? Mr. MacMann?

MR. MACMANN: I do have a question. I have several. Mr. MacIntyre, could -- you had that back up a little bit to the Google shot where we could see the waterways that she is referring to? Wasn't that one of your -- there were go.

MS. LEONATTI: Yeah.

MR. MACMANN: Can you see that, ma'am.

MS. LEONATTI: You can probably -- yeah. And you can probably only see one of them, but you see the road that is going out --

MR. MACMANN: North and south --

MS. LEONATTI: -- Alfred Street?

MR. MACMANN: Yeah.

MS. LEONATTI: Come up a little -- right there. So Alfred Street runs down -- and then just keep going with your arrow. And see the cut?

MR. MACMANN: Uh-huh.

MS. LEONATTI: And see the cut. Keep going, and then there is our irrigation pond right down there in the corner of that drawing.

MR. MACMANN: Your -- I have been through this area, but it has been a couple of years since I paid close attention to it. Your contention is that the construction of Landmark in 2008 has exacerbated, as there in there is more stormwater coming off causing erosion and damaging --

MS. LEONATTI: At least our property.

MR. MACMANN: Impinging upon --

MS. LEONATTI: Right.

MR. MACMANN: -- a dam. And you're still under an engineering survey to find out exactly what is going on? Am I following you correctly?

MS. LEONATTI: Yes. They're designing. We are getting ready to bid out this dam shoring up.

MR. MACMANN: Well, I do know that with additional construction -- and Mr. Teddy will back this up and so will Mr. Zenner, they'll have to contain and maintain any construction-oriented runoff that they have. You -- I'm trying to get this out. You're saying a couple of things, if I'm -- correct me if I'm wrong. You're having more runoff because Landmark is there, and you also mentioned that Landmark has maybe a maintenance issue with some of the parking lot --

MS. LEONATTI: Yes.

MR. MACMANN: -- which may be causing more water to flow also?

MS. LEONATTI: There is a problem with the existing parking lot as well as the stormwater retention pond area that they have. So we would like to see those taken care of, and then make sure we are not increasing the problem with the new building.

MR. MACMANN: Oh, I -- I live in the central city. I'm all with you on the stormwater thing. I'm just -- I'm trying to get this out and perhaps Mr. Teddy or Mr. Zenner can answer this question. Some of this may be an enforcement issue?

MR. ZENNER: Some of it may be, and --

MR. MACMANN: I mean, I can't --

MR. ZENNER: -- a maintenance --

MR. MACMANN: -- tell, I can't --

MR. ZENNER: -- related matter. And I will let Mr. Shy on behalf of the applicant respond to what their proposed solution is and their evaluation of the stormwater necessities at this point. This is one of the few project sites that actually, prior to the development of this property, has an offsite drainage facility that was approved in coordination with its development, which is to the northeast of the actual hospital itself, which is what may at this point have issues -- maintenance-related issue associated with it. So the fact that the hospital has been there for the last -- since 2009, probably, Mr. Burchfield, and now that this issue is arising would lead me as just a citizen to say it may be a maintenance issue more so than an exacerbation as a result of development. The maintenance of that drainage feature -- and Mr. Shy can respond to this from a technical capacity, may be what is causing that. I don't know how this site drains. However, I can tell you that it -- it would lead me to believe at least that possibly having a number of years past, close to seven or eight, that the problem now is arising would be more maintenance, not necessarily because of the construction. We have had a lot of rain and other conditions in that period of time that I would have expected it to have shown itself sooner. So any construction on this site -- any construction on the site or expansion of the site is going to have to comply with our stormwater requirements, which would indicate that post-development flow is not supposed to be greater than your pre-development, which means it is going to have to be managed. There are certain exemptions that do apply to particular property based on the scale or the size of its improvement, and those are matters that are worked within the code. So the parcel to the north may, through its review and because of its size of improvement, not have a significant stormwater improvement associated with it; whereas, I would suggest that based upon the original approval and the stormwater covenants existing with the hospital site, there will be a higher level of scrutiny associated with that. With that said, I will let Mr. Shy possibly, from an engineer's perspective, respond to the maintenance possibilities that need to be looked at, and then the drainage capacities associated with what is there today and what is being added.

MR. MACMANN: Mr. Shy, before you speak -- and Sara, pardon me for usurping here a little bit, but, ma'am were you done?

MS. LEONATTI: I've made my statement.

MR. MACMANN: Okay. I'm sorry. Because we kind of co-opted your time. .

MS. LEONATTI: (Inaudible) -- I'd be happy to answer other questions.

MR. BURCHFIELD: And I will cut to the chase and just say we will look at that and address that. One of the points she mentioned was the damage -- was the deteriorated parking lot. That is one of the first iterations of impervious parking lots, which looks like a gravel parking lot in patches of it. It's not pretty. It's what it is in its design. It is a BMP that is in place since the original construction in 2008. The northern portion of the site, you can see there where the arrow is pointing to the main facility, all of that open space, the reason we can't expand onsite is because that is the drainage area. That is -- those are BMPs in place that are mature and functioning in place. And then we even went over to the right of that -- you can see -- the regional detention pond, when we first entertained this development in 2008, it was

immediately pointed out by Mr. Morrow [ph], the immediate neighbor to the east, that his house floods every time it rains -- you can see where everything comes down -- long before it gets to the Country Club property. And his residence, it comes in his garage and in his kitchen. So we fixed that with the construction in 2008. We slowed the water down. It is metering out of it. We have had our engineers review the BMPs within the last 30 days. They are functioning as designed and as planned. They are mature and established. But we will review it again as we do -- I guess the City now has ordinances and regulations that BMPs are reviewed annually and submitted to the City.

MR. MACMANN: That is correct.

MR. BURCHFIELD: That was not the case with this project. That is post -- we did this --

MR. MACMANN: Correct. I'm with you.

MR. BURCHFIELD: We are now doing it, and we will do it again. And we will certainly visit with the Country Club and help with that, but I would like to take this opportunity to point out, because there has been substantial new construction in this watershed upstream -- directly upstream of the detention pond and this drainage path that goes here since the construction of our facility and the implementation of our BMPs -- commercial, residential, lots of grading and dirt work. There has been grading out there just recently in fact. The Forever Green Nursery used to be a big nursery, and now it's a retail center with -- so I'm not pointing the fingers; I'm just pointing out that there has been a substantial amount of development since we established what is there. But we will do whatever we need to do to meet the ordinance and rules concerning the water discharge from our site.

MR. ZENNER: Mr. Burchfield, if I may ask, are you relocating or installing with the construction of the addition any additional impervious or pervious pavement onsite in order to address any increases in your actual runoff --

MR. BURCHFIELD: No.

MR. ZENNER: -- that you would be creating?

MR. BURCHFIELD: It is a wash. It is designed as a wash. We are putting new building on existing impervious --

MR. MACINTYRE: Pervious.

MR. BURCHFIELD: -- or pervious pavement, and we're replacing that pervious pavement with what is currently impervious pavement.

MR. MACMANN: Okay. Net wash in the end. You're picking up a pavement -- I don't want to delve into engineering arcana. Discharging your gutters and downspouts and stuff like that --

MR. BURCHFIELD: Right.

MR. MACMANN: -- that goes underneath that parking lot --

MR. BURCHFIELD: Yes.

MR. MACMANN: -- currently?

MR. BURCHFIELD: Yes.

MR. MACMANN: And you do discharge to your northeast generally?

MR. BURCHFIELD: It discharges to the north directly through the BMPs to the east to the detention pond, and then metered out of the pond to the southeast down to where Ms. Leonatti has raised the concerns.

MR. MACMANN: I -- well, more question to -- actually, this is probably Mr. Zenner. We have a 2008 baseline on them?

MR. ZENNER: That would be what -- I would imagine that is how the BMPs were done.

MR. MACMANN: Okay.

MR. ZENNER: And that is compliant -- that would have been compliant with the 2007 --

MR. MACMANN: So their new --

MR. ZENNER: -- Stormwater Ordinance.

MR. BURCHFIELD: When we're all done --

MR. MACMANN: When they are all done -- say they're approved and they do -- they're going to be compared to their 2008 discharge, not their 2016 or their 2017 discharge. How does that work?

MR. ZENNER: I'm not --

MR. MACMANN: What's the standard --

MR. ZENNER: I'm not our stormwater review staff, but what I could tell you -- I mean, you're covering currently what is impervious -- or pervious surface, which functions as drainage. You're replacing the pervious surface in a different location, so in -- by -- you're not increasing. The baseline is not going to be as relevant as ensuring that the square footage that exists -- be it pervious or impervious on the site has changed nothing, you've just reallocated where it is.

MR. MACMANN: Well, which could be critical on this.

MR. ZENNER: Well, if the addition is coming off of the center of the building to the northeast and you're directly discharging to the north to the BMP features that were originally sized to accommodate the impervious areas on the property which currently are inclusive of a parking lot that will become pervious pavement to replace the pervious that will be covered by an impervious surface, you're really -- you may not be increasing significantly any offsite flow because there is no net gain.

MR. MACMANN: And I'm with you there, Director Zenner. I really am.

MR. ZENNER: I think what we will have to --

MR. MACMANN: I'm just -- I'm trying to pay some close attention to this because as most of us in this room know, we have a serious stormwater problem in the many, many tens of millions of dollars. And I just want to make sure that we all dot i's and t's when we all go forward.

MR. BURCHFIELD: Yes. And this -- this was the -- in meetings with the Country Club, I personally met with in 2008, this was -- this exact location was the hot topic in 2008.

MR. MACMANN: Oh, I'm sure.

MR. BURCHFIELD: And it -- the result of that was the establishment of what was every one, we thought, was way oversized at that time, but we were the next one up, and there was a pretty big watershed that was unmanaged that needed to be taken care of. And so we did that in 2008.

MR. MACMANN: But was it -- I think most of this is a maintenance regulatory issue --

MR. BURCHFIELD: Uh-huh.

MR. MACMANN: -- and inspection issue. I mean, I don't really see how much of it impinges upon the zoning. I mean, maybe I could be corrected.

MS. LOE: Do you have any --

MR. MACMANN: No, I don't.

MS. LOE: -- additional questions, Mr. MacMann?

MR. MACMANN: I was just trying to get some of this stuff down.

MS. LOE: Thank you. Ms. Burns?

MS. BURNS: The Country Club has suggested four conditions. Would you all be willing to accept those conditions?

MR. BURCHFIELD: Well, you know, I was making notes fast and I ran out of paper at the bottom of my existing notes, so I don't know that I got all of them. That is what I wanted to say. We will certainly make sure that the BMPs are maintained and in service. We will make sure the parking lot is functioning properly.

MS. BURNS: I guess I would feel more confident if these are reasonable -- and again, I'm not an engineer. But if these are considered reasonable requests, if you would agree to them, then it would make, I think, our job more --

MR. BURCHFIELD: What I don't know is -- there is a condition of level of service of eight. I don't know what that means. That is something that the engineers --

MS. BURNS: I don't either.

MR. BURCHFIELD: -- would need to look at. In general, yes. I mean, we have to do it whether they are here or not -- whether they are complaining or not, we have to maintain this as part of this new permit process. Otherwise, staff is not going to permit it. So to say yes to these -- as it is written, we can't do that at this -- but we will certainly take a look at it. I mean, we have to look at it.

MS. BURNS: Thank you.

MR. BURCHFIELD: Uh-huh.

MS. LOE: Mr. Stanton?

MR. STANTON: Thinking back over Ms. Burns' statement, you have time to look at those four points. I don't want you to be responsible for things you can't control that are not your issue. But I think you could definitely improve on your existing properties and make sure that they are up to speed, I mean, so --

MR. BURCHFIELD: Absolutely. Yeah. That's why I say I'll cut to the chase and say what we have in the ground and on the ground today, we'll --

MR. STANTON: Well, look at --

MR. BURCHFIELD: -- make sure it is spot on.

MR. STANTON: Well, look at number one. Is that reasonable?

MR. BURCHFIELD: Yes.

MR. STANTON: Okay. So we can agree on number one, at least. So that's on your property, fixing anything that is messed up now.

MR. BURCHFIELD: Right. That's laymen's terms. Yes.

MR. STANTON: All right. Yeah, I don't know what the two is. Number three?

MR. BURCHFIELD: Again, I don't know. I don't know when we start excluding sections and we -
- yeah, Ms. Leonatti mentioned that she had some engineers do a study. I mean, we would love to see that study and let the engineers do it.

MR. SHY: Yeah. I'm Ron Shy. I'm with Allstate Consultants at 3312 Lemone Industrial Boulevard. This -- these particular items on two and three relate to new impervious area exclusive of areas that are removed and replaced. And we don't really have any new -- we don't have any new impervious area on this project. So what we have done is built a building over pervious or impervious area. We built a new parking lot because it is very poor maintained -- poorly maintained, and it's impervious then -- now, and it will be then. So there really is no -- and this has been -- this has been checked by the stormwater department of the Public Works.

MR. STANTON: This is my favorite saying. I want to walk away with this with a win-win. That is why I am asking what can you get --

MR. SHY: I totally understand.

MR. STANTON: What can we get on the table and make you guys -- make both parties agree because I --

MR. SHY: I would tell you --

MR. STANTON: -- don't want to walk away with --

MR. SHY: Right.

MR. STANTON: -- any problems. Do you see what I'm saying? I think we are very close to being in agreement, so make it a win-win with both parties, you two. We'll walk away and vote on this tonight.

MR. SHY: As far as the maintenance is concerned --

MR. STANTON: -- or -- yeah.

MR. SHY: -- if they want us to go --

MR. STANTON: Convince us.

MR. SHY: -- through the maintenance with their engineers, we can do that, and -- to make sure. Now, you've got to understand, they have to file, every two years, a certification from an engineer that these things are still working to the City.

MR. STANTON: Right.

MR. SHY: And they have been working. I do know that when the original zoning -- this facility was originally constructed, the golf course did have a problem then. That was a big issue at that time. And then Mr. Morrow that lived next door, that has been -- all of his problems pretty much have been

eliminated by that we understand. So I think there has been a problem there and I don't think we have exacerbated --

MR. STANTON: Yes.

MR. SHY: -- so I would be glad to try to talk with their engineers or what -- and go through the maintenance program with them if they would like.

MS. LOE: So if I can interject, I think what we are hearing is you're willing to meet with the --

MR. SHY: Sure.

MS. LOE: -- Country Club --

MR. SHY: Uh-huh.

MS. LOE: -- and/or their engineers to discuss the questions they are having about the project?

MR. SHY: The pervious pavement area that we are having -- that we have now will be taken out. We're putting new in and it will be a different type. They have improved those -- the impervious construction procedures a whole lot better than it was when this was built too. So that will help as well.

MS. LOE: And I think a meeting would allow both parties to reach some better understanding of what is happening --

MR. SHY: I totally agree.

MS. LOE: -- and what will occur.

MR. SHY: Uh-huh.

MS. LOE: Plus, we've also heard from the City that they are going to be overseeing this, and we will be meeting -- the project will be meeting their standards for this. Ms. Leonatti, just if you can come back up?

MS. LEONATTI: And I'm just a social worker, so don't ask me any questions.

MS. LOE: No, but you got -- you got pushed aside earlier. So you've heard the discussions since --

MS. LEONATTI: Yes.

MS. LOE: -- you were up here. Does this sound like a workable solution to move forward for you --

MS. LEONATTI: Yes. We would be --

MS. LOE: -- if we make a --

MS. LEONATTI: -- happy to make -- set --

MS. LOE: --decision on the project tonight --

MS. LEONATTI: -- up the meeting and talk --

MS. LOE: -- with these -- okay. So, I'm sorry, I think we were talking over each other. So if you just wanted to reiterate?

MS. LEONATTI: No. We would be happy to have a meeting to talk about what our concerns are and what their concerns are and where can we meet to resolve some of this.

MS. LOE: That sounds good. All right. Thank you.

MS. RUSHING: I have one more question for staff, if I could. I hate to beat a dead horse here, but the area proposed for replat, which is also going to be rezoned -- and I'm looking at an aerial map dated 2014, which does not show the gravel area and shows approximately ten parking spaces on the lower portion of that area. Now we're going to have 33 parking spaces and this area has been graveled, evidently, since 2014. So in spite of all of that, they're not going to have to improve that parking area?

MR. MACINTYRE: No. There are no requirements to change the existing surface that would be triggered that I am aware of.

MS. RUSHING: Even though they are changing the zoning, they're replatting, and they're increasing the use?

MR. MACINTYRE: Parking lot standards that would come into play here are the screening along the edges of the parking lot from adjoining residential properties and --

MS. RUSHING: But it doesn't have to be --

MR. MACINTYRE: And that includes imperv--

MS. RUSHING: But gravel is okay?

MR. MACINTYRE: -- or

MR. ZENNER: No. Gravel is not acceptable, Ms. Rushing. That -- and I believe --

MS. RUSHING: He said it's gravel and they had --

MR. ZENNER: Well, and they are going to be -- if I recall what Mr. Burchfield indicated, they are going to pave the gravel portion --

MS. RUSHING: Okay. I understood him --

MR. ZENNER: -- and upgrade --

MS. RUSHING: -- to say they weren't --

MR. ZENNER: -- yeah, upgrade that.

MS. RUSHING: going to -- okay.

MR. ZENNER: No. I'm sorry that that was a misunderstanding. The entire parking lot, when it is done for all 33 spaces, would be required to be paved by the City standard as a dust-free surface.

MS. RUSHING: Okay.

MR. ZENNER: And in addition, they will have to provide the screening and landscaping, which is what the O-P plan is actually making sure of in very specific form by the identification of the materials and the buffer areas.

MS. RUSHING: Yeah. When I asked him if they were planning any improvements and he said, no, and said it was gravel, and then Mr. MacIntyre said there are no surface changes that need to be made, I'm, like, it can stay gravel?

MR. MACINTYRE: Excuse me. I'm sorry.

MS. RUSHING: Yeah.

MR. MACINTYRE: I misunderstood what you were --

MS. RUSHING: Yeah. Okay. Thank you.

MS. LOE: But to piggyback, just for my clarification, paving that existing gravel with asphalt is not adding any impervious paving to the project total, both -- all plats?

MR. MACINTYRE: No. It is on the north lot here. This portion here, and this is where the gravel is. It's in this area that is going to be paved unless there is more down here that I'm not aware of --

MS. LOE: Okay. So it's a --

MR. MACINTYRE: -- or didn't see.

MS. LOE: -- total zero when we are looking at the main --

MR. MACINTYRE: It's not.

MS. LOE: -- plot --

MR. MACINTYRE: It's not. It's not a --

MS. LOE: -- only?

MR. MACINTYRE: -- total zero. It's actually on -- on the offsite parking area, there is an additional amount of impervious area. However, that --

MS. LOE: And that is upstream from the lower site -- the main site. So we are looking at some storm drain issues or retainage for that site potentially.

MR. ZENNER: Again, part of -- part of the way that the current code is structured is the area that is being improved on the replatted portion is less than what our stormwater requirements require. It is not subject to the stormwater requirements that are on the main hospital site, irrespective if they are being joined together by the O-P development plan and they will be zoned identically. They are not subject to the same stormwater requirements because the stormwater requirements with the hospital go with the hospital. The stormwater requirements that will be with the parking area improvements are subject to our current stormwater regulations, which have a specific exemption for improvements under a specific square footage. What will have to be evaluated, and I imagine that will be part of what Mr. Shy's evaluation will be, based on the conversation here this evening, is does the existing BMP features that are to the northeast of the hospital site that are currently retaining the drainage from the hospital site sufficient. If they are not, we will have to probably deal with something at that point. They have a choice. They don't have to because they are exempt under our code. However, I would imagine being the citizen and the corporate citizen that they would like to be, and that they have proven through the hospital's operation since it was built, it is in the best interest of the general harmony of the community that they will look at that. But they are not obligated to do it under our current code. And again, we go back to the fact that the area that is covered on the property today that is the hospital site, there is no net increase in the impervious surface that is being created. It is being exchanged. And therefore, the maintenance and the evaluation of the functionality of the existing stormwater improvements that were subject to the site in 2008 are what will be evaluated, and they will be required to comply with the no net increase in the impervious or the outflow off of the developed site. The pre- versus the post-development flows cannot increase. There are probably other technical engineering ways in which to manage increases that I am not aware of, but our stormwater staff will make sure that that is not going to increase flow leaving the site

that is being metered, as Mr. Burchfield has indicated, back down across the golf course's property through the channel apparently that maybe has additional erosion. That is part of our stormwater staff's requirements as we review building plans where stormwater standards are applicable. That's the City's process. So the integrity of that process is not going to be undermined because of the nature of what this improvement is. It will be followed. We just don't have those answers because we haven't had formal development plans submitted at this point. And it also generally has not risen to the level that we've had to explain the specific stormwater related solutions at this hearing as it relates to land use because it is a -- it's a ladder issue that comes after our development plan approval. Compliance is required or you don't get a permit.

MS. LOE: If that parking were included on the main site, would that trip the requirement?

MR. ZENNER: I -- I do not know.

MS. LOE: Okay.

MR. ZENNER: And that would be part of the more detailed evaluation that we would have at the time of the building plan submission.

MS. LOE: Because, frankly, I have a conflict. Because in some respects, it represents to me sort of -- the property owner can get around -- and I'm not saying this was at all your intention, but if it's -- it's a technicality that is being avoided because of a technicality in some respects, and I don't like those.

MS. LAMAR: On the other hand, you don't want us to get rid --

MS. LOE: You need to come up to the podium if you want to speak, please.

MS. LAMAR: Phebe LaMar here on behalf of the applicant. I have an address of 111 South Ninth Street. The flip side of what you are saying is that we don't want to get rid of the BMPs that are on the side and which are addressing the drainage from that site. And that would be what would be necessary in order to develop on that site, which means that we can't because we have to keep those BMPs in place. So it's not trying to exploit a technicality, it is trying to work with the site and make sure that all of the drainage and all of the stormwater ordinances are being followed that ends us up in the situation that we are in.

MS. LOE: And I didn't mean to insinuate you were trying to exploit it. I'm just saying if this is a paved surface that would under other circumstances require some measures be taken, I'm conflicted about them not being taken --

MS. LAMAR: And the fact is I don't know the answer to that.

MS. LOE: Right.

MS. LAMAR: That is a calculation that hasn't been done.

MS. LOE: Mr. Stanton?

MR. STANTON: Ms. Chair, this is why I'm looking at this win-win. Okay? We can't -- he has no obligation to follow any storm drain rules for the new parking lot, but he has agreed to, number one, fix his existing pavement issues and drainage issues in the first stormwater -- the first request that the Country Club made. Right? We can get pervious surfaces maintained, fixed, and improved which will increase

the efficiency of the BMP that is already in existence. He has already agreed to fix all of those things, so we can kind of make a win-win, I guess is what I'm getting at. I mean, yeah, we can't do anything about the smaller parking lot, but we can make him fix the stuff that is -- needs improvement now. You can -- he has agreed to the number one right now in the four demands that the Country Club has made. He has no obligation at all to do any of that. See? And he has agreed to work with the Country Club in fixing any -- you know, they can make -- work out a deal.

MR. BURCHFIELD: Just like we did in 2008.

MS. LAMAR: So that -- to the extent --

MR. STANTON: Right now.

MS. LAMAR: -- that there is a problem with anything that is going on, we are going to get it fixed.

And we're going to work with the engineers that have been working with the Country Club --

MR. STANTON: Yeah.

MS. LAMAR: -- to figure out what, if any, problems there are with those BMPs --

MR. STANTON: And I think that is going --

MS. LAMAR: -- to see they are addressed.

MR. STANTON: far and beyond. Just fix what is on your site is really where I'm at. You know, make your -- make sure everything is working at 100 percent efficiency, and --

MS. LOE: So will the retention pond be assessed for picking up any runoff from the northwest site parking lot?

MS. LAMAR: I don't know. I don't know the answer -- I don't know what is required; and therefore, I can't answer that question --

MR. STANTON: I think it would have to be.

MS. LAMAR: -- because that is something that came up just this evening.

MS. LOE: I think what we are discussing is not required. I'm asking if it will be done.

MR. BURCHFIELD: That watershed for --

MS. LOE: You need to come up to the podium, sir. Thank you.

MR. BURCHFIELD: The watershed for that area -- we can go back to one of those other maps -- is huge. Everything ends up on the spot that the Country Club is concerned about from the north, south, east, west, southeast, northeast, northwest. It's a bowl.

MS. LOE: Right.

MR. BURCHFIELD: Okay. So --

MS. LOE: It appears your parking lot is upstream of your retention basin.

MR. BURCHFIELD: Yes.

MS. LOE: Correct.

MR. BURCHFIELD: And it is a deep underground system that gets it upstream and over and then downstream.

MS. LOE: So does that mean --

MR. BURCHFIELD: Those are the BMPs.

MS. LOE: -- the retention basin will need to be sized for any runoff from the northwest parking?

MR. BURCHFIELD: I'm saying that retention basin -- the -- that's offsite --

MS. LOE: Uh-huh.

MR. BURCHFIELD: -- is sized for an area that is huge --

MS. LOE: Okay.

MR. BURCHFIELD: -- today -- existing, has been. So we're adding 16 spaces of pavement that is currently gravel. That is all we are adding.

MS. LOE: So that is being reassessed with this addition --

MR. BURCHFIELD: Right.

MS. LOE: -- and -- all right.

MR. BURCHFIELD: Yes. The 33 spaces in the new lot, there are 18 that are currently paved and striped today. We're adding 16 on that upper side that is currently a gravel parking lot. And the gravel is hard as concrete right now anyway. It has been there a while.

MS. LOE: So not very impervious?

MR. BURCHFIELD: So it's not very pervious. Right. Existing.

MR. HARDER: If I could ask a question. So the watershed that you are describing -- and I haven't seen it, but sounds like it heads more towards the northwest, is my guess, and kind of slightly fans out, and it all runs down this little small creek, I guess. It seems like your retention area is a retention area for also other parts of the watershed possibly and --

MR. BURCHFIELD: Everything. Everything.

MR. HARDER: Everything. And so there's -- I mean there's developments. I mean, there's -- right up here on -- I don't know if it would include Paris Road. I don't -- since I don't know exactly where the watershed is, you know, I'm not sure exactly. But there seems like there is probably some other places that have gone up that maybe have more than 16 spaces.

MR. BURCHFIELD: That's where I say I do not -- I'm not pointing fingers, but the magnitude of it is --

MR. HARDER: I'm just kind of glad that you're -- I mean, it kind of seems like you're kind of the --

MR. BURCHFIELD: Yeah.

MR. HARDER: As long as you can do number one on here and make sure it is working correctly --

MR. BURCHFIELD: May I come up?

MR. HARDER: Absolutely. I would love to see it. (Inaudible.)

MS. LOE: We need to capture this on the --

MR. HARDER: Oh, that is something -- I can definitely pass this down through there. I was kind of curious as well too. I don't know if I should hand this to staff. (Inaudible.)

MS. LOE: Any additional questions for Mr. Burchfield? Thank you.

MR. BURCHFIELD: You're welcome.

PUBLIC HEARING CLOSED

MS. LOE: Any additional discussion?

MR. TOOHEY: I've got a question for staff. So I'm a member of the Club. So would I have to then recuse myself now that the Club has brought this issue up tonight?

MR. ZENNER: You're not in any way standing to benefit from this financially?

MR. TOOHEY: Not that I know of.

MR. ZENNER: So I would suggest, no, you do not need to recuse yourself.

MR. TOOHEY: All right. Just so it is on the record.

MR. ZENNER: Thank you very much, Mr. Toohey.

MS. LOE: Thank you, Mr. Toohey. Would anyone care to frame a motion? Let's go back to how many motions we need.

MR. ZENNER: You'll need two, please. One for the rezoning and the development plan; and then you will need a separate motion for the plat.

MS. LOE: Okay. So we are starting with the rezoning request.

MR. ZENNER: Rezoning and development plan, which will --

MS. LOE: And development plan.

MR. ZENNER: -- be a merged motion.

MR. STANTON: I'll touch that one. I'm not touching the other one. As it relates to Case 16-142, I move to approve the O-P rezoning request, including associated Statement of Intent, as well as the O-P development plan.

MS. LOE: Is there a second?

MR. TOOHEY: I'll second.

MS. LOE: We have a motion by Mr. Stanton, and a second by Mr. Toohey. Can I get a vote on that, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0

MS. BURNS: Seven in favor of approval; zero to deny.

MS. LOE: Thank you, Ms. Burns. Now we need a second motion for approval of the subdivision. Would anyone care to frame that? I'll take a stab at it. In the case of -- are these still combined for the subdivision?

MR. ZENNER: No.

MS. LOE: It's just the 16-144?

MR. ZENNER: Yeah.

MS. LOE: So in Case 16-144, move to approve the Schaumburg Subdivision Plat 1.

MS. RUSHING: Second.

MS. LOE: So a motion by Ms. Loe, and a second by Ms. Rushing. Can I get a vote on that?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Motion carries 7-0

MS. BURNS: That's seven to approve; zero to deny.

MS. LOE: Thank you, Ms. Burns. All right. We're moving on to Public Hearings.