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City of Montgomery  
City Council Public Hearing Minutes  
April 3, 2019

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Tracy Roblero, Community Development Director  
Katie Smiddy, Finance Director  
Matthew Vanderhorst, Community and Information Services Director  
Paul Wright, Fire Chief  
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor  
Lynda Roesch, Vice Mayor  
Lee Ann Bissmeyer  
Mike Cappel  
Gerri Harbison  
Craig Margolis  
Ken Suer

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City Council convened in Council Chambers at 6:30 p.m. with Mayor Dobrozsi presiding, to consider a request from Church of the Saviour at 8005 Pfeiffer Road for an expansion of their conditional use permit to allow for the former parsonage at 8003 Pfeiffer Road to be used as a Ministry Center for group meetings, private consultations and storage.

**Proposed Expansion of a Conditional Use Permit and Final Development Site Plan Approval for the Church of the Saviour**

Mrs. Harbison recused herself from the discussion and consideration of this matter as she is a neighboring homeowner.

Ms. Roblero explained that it is requested that City Council hold a Public Hearing to consider a request from Church of the Saviour at 8005 Pfeiffer Road for an expansion of their conditional use permit to allow for the former parsonage at 8003 Pfeiffer Road to be used as a Ministry Center for group meetings, private consultations and storage.

Ms. Roblero stated that the Church of the Saviour owns the building at 8003 Pfeiffer Road, which has been used as a parsonage in the past. The Church no longer uses this building as a parsonage and is requesting to utilize the existing building as a Ministry Center for group meetings, private consultations and storage. She explained that the applicant is proposing to renovate the building at 8003 Pfeiffer Road with some minor exterior modifications, including an additional entrance to the front of the building and enclosing the existing garage; however, the footprint of the building would remain the same. The applicant is also proposing some minor modifications to the site including an expansion of the existing driveway, new bollard lighting and a handicap ramp on the rear of the building to provide exterior access to the lower level of the building. The Church has modified the proposed relationship with Basset Psychological Services in response to concerns of operating a business in the residential district and has proposed several conditions that they believe will limit the scope of Basset Psychological Services to ensure that the use could be considered an associated use with a place of worship.

Ms. Roblero explained that the applicant submitted a revised plan, which was considered by the Planning Commission on December 17, 2018. The changes to the application are outlined below:

- The driveway to the proposed Ministry Center was altered to provide for an increased setback from the adjacent property. The original submission showed the curve of the driveway to be approximately 2' off of the shared property line, which was a concern. The curve of the driveway is now shown at approximately 24.37' from the shared property line with the straight portion of the driveway being approximately 19' from the property line;
- In the original submission, the applicant proposed allowing a private company (Basset Psychological Services) be permitted to have offices in the Ministry Center as an associated use to the Church. Moving the permanent location of Basset Physiological Services to the building was cause for concern due to the fact that it could set a precedent for allowing a business to operate from a conditionally permitted use in a

58 residential district. In response to concerns raised by staff, Planning Commission members and adjacent  
59 property owners, the Church withdrew the request to allow for Basset Psychological Services to operate  
60 from the Ministry Center. Instead, Basset Psychological Services would partner with the Church of the  
61 Saviour as well as The Montgomery Nursery School on-site to provide services; however, the physical  
62 location for the business would remain in Madeira. The Ministry Center would be used for group  
63 meetings, counseling and storage, which are uses directly related to the conditionally permitted use;

- 64
- 65 • The applicant submitted a revised landscape plan to provide for a visual screen between the Ministry  
66 Center and the adjacent properties and stated that the Church will commit to maintaining the plantings;  
67 and,  
68
- 69 • The applicant provided some additional information regarding the proposed bollard lighting for the  
70 driveway. The bollard lights will be approximately 42” in height with louvers to distribute light  
71 downward. The applicant has stated that the light distributes 1 footcandle of light in a 4’ radius with 0  
72 footcandles at a 6’ radius. The bollard lights would be installed approximately 1’ – 2’ from the driveway  
73 and therefore, will be in compliance with the light trespass regulations. The applicant has stated that they  
74 estimate there will be a need for 7 bollard lights on the north side of the driveway and 6 bollard lights on  
75 the south side. The Church is still evaluating the need for bollard lighting along the proposed handicap  
76 ramp along the back of the building.  
77

78 Ms. Roblero explained that after hearing testimony and discussing the application, the Planning Commission  
79 voted 5-1 to recommend approval of the expansion of the conditional use permit to allow for the building at 8003  
80 Pfeiffer Road to be used as a Ministry Center and approved the Final Development Plan with the following  
81 conditions:

- 82
- 83 1. The final design of the landscaping be reviewed and approved by Staff and the City Arborist.  
84 Landscaping shall be properly maintained as required by the Zoning Code and the Property Maintenance  
85 Code.  
86
- 87 2. Post-construction stormwater best management practices shall be utilized as reviewed and approved by  
88 the City Engineer and the final stormwater management construction drawings shall be approved by the  
89 City Engineer.  
90
- 91 3. The final location of the bollard lighting shall be reviewed and approved by Staff.  
92
- 93 4. Any parallel parking spaces shall meet the dimensions as established in Schedule 151.3210(A).  
94
- 95 5. The width of the drive shall be in compliance with the Zoning Code pending a legal opinion on whether  
96 the drive shall be considered a ‘driveway’ or an ‘access drive’.  
97
- 98 6. Any additional impervious surface due to modifications to the site plan based on conditions 4 and 5 shall  
99 be accounted for and the additional stormwater shall be accommodated appropriately.  
100

101 City Council held a Public Hearing to consider the recommendation of the Planning Commission on January 23,  
102 2019. After considering the case and hearing the testimony, City Council voted to remand the case back to the  
103 Planning Commission to get further clarification on several items as shown below:

- 104 • Further clarification on the relationship between the Church and Basset Psychological Services and if  
105 Planning Commission is comfortable considering this an associated use with a place of worship;  
106
- 107 • Further clarification on what stormwater best management practices will be used and if the Planning  
108 Commission is recommending that best management practices be used for the entire site or only for the  
109 expanded drive;  
110

- 111 • Planning Commission to review the final layout of the drive and verify that it meets the required setbacks  
112 provided in the Zoning Code and the Law Director's written opinion;
- 113
- 114 • Clarification of the existing impervious surface coverage and if Planning Commission is comfortable with  
115 the total impervious surface coverage including the expanded drive; and,
- 116
- 117 • Clarity on what existing landscaping would remain between the proposed Ministry Center and the  
118 adjacent properties.
- 119

120 Since the Public Hearing before City Council, the Church of the Saviour has made slight modifications to the  
121 proposed plans and/or provided additional clarification as described below:

- 122
- 123 • Basset Psychological Services: The Church has modified the proposed relationship with Basset  
124 Psychological Services in response to concerns of operating a business in the residential district. The  
125 Church has proposed several conditions that they believe will limit the scope of Basset Psychological  
126 Services and ensure that the use could be considered an associated use with a place of worship. The  
127 conditions proposed by the Church are below:  
128
  - 129 o Services offered at the Ministry Center will be limited to faith-based counseling;
  - 130 o Services will be contracted by the Church for church or community programs on behavior or  
131 mental health;
  - 132 o There will be no charges for use of the Ministry Center;
  - 133 o The Church will contract with the provider for client counseling;
  - 134 o Counseling space will be less than 25% of the total floor area; and,
  - 135 o There will be no signage for the provider of services.
- 136
- 137 • Stormwater: The Church has provided drainage plans, which include best management practices, for the  
138 entire property. The proposed changes include new storm pipes to direct water to the existing detention  
139 basin, expansion of the existing detention basin with a modified outlet structure that will provide  
140 additional flood control as well as serving as a best management practice and a bioretention garden along  
141 the drive to the Ministry Center. The proposed stormwater plans have been reviewed and approved by  
142 the City Engineer;
- 143
- 144 • Drive layout: The drive to the Ministry Center has been revised to remove any parking along the drive.  
145 The proposed drive is 20' in width, which is the maximum width permitted for a driveway in the  
146 residential district. The proposed drive also meets the setback requirement as established in the Zoning  
147 Code and as confirmed in the Law Director's opinion;
- 148
- 149 • Impervious surface requirements: The applicant provided a table showing the existing amount of  
150 impervious surface to be 44%. The proposed changes to the site would increase the impervious surface to  
151 45%; and,
- 152
- 153 • Landscaping: The landscaping plan has been provided with additional clarification on which trees will be  
154 removed and which trees will be remaining.
- 155

156 Following the Public Hearing, the applicant submitted a revised plan, which was considered by the Planning  
157 Commission on March 4, 2019 (see minutes). After hearing testimony and discussing the application, the  
158 Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit  
159 to allow for the building at 8003 Pfeiffer Road to be used as a Ministry Center and approved the Final  
160 Development Plan with the following conditions:

- 161
- 162 • The conditions of use for the Ministry Center as proposed by the Church of the Saviour shall be imposed;
- 163

- 164       • Basset Physiological Services shall not move their office to the site; and,  
165  
166       • A continuous evergreen screen be planted between the existing driveway and the adjacent property to the  
167 west. A plan for this planting shall be reviewed and approved by Staff and the City Arborist.  
168

169 Ms. Roblero explained that since the Public Hearing before City Council, the applicant has removed all parking  
170 along the proposed drive in order to reduce impervious surface coverage as well as address concerns that the drive  
171 would have a more commercial feel with parking along the drive. The applicant has proposed an extensive  
172 evergreen buffer along the drive to the Ministry Center and the adjacent property owners and has provided  
173 additional clarification on what trees will be removed. Staff understands that the concerns from adjacent property  
174 owners about the removal of the existing vegetation; however, Staff believes that the majority of the existing  
175 vegetation is honeysuckle or scrub brush and that the proposed plan will provide for an effective buffer. The  
176 Church has also provided a plan to provide for an evergreen landscape buffer between the existing driveway and  
177 the property to the west, which has been approved by the City Arborist.  
178

179 She stated at the Public Hearing before City Council, concerns regarding the use of the building for a private  
180 business persisted. The applicant has proposed several conditions to limit the scope of Basset Psychological  
181 Services and ensure that the use could be considered an associated use with a place of worship. Staff believes that  
182 the conditions proposed by the Church, in addition to a condition stating that the business shall not be moved  
183 to the site, would effectively limit the scope of Basset Psychological Services and ensure that the use is tied to the  
184 mission of a place of worship.  
185

186 Ms. Roblero stated the applicant provided additional clarification of the proposed impervious surface coverage as  
187 requested by City Council. The existing conditions of the site provide for 44% impervious surface coverage and  
188 the proposed site improvements would increase the impervious surface coverage to 45%, which is less than the  
189 percentage previously recommended for approval by the Planning Commission. Staff believes that the increase in  
190 impervious surface is minor and is supportive of 45% impervious surface coverage due to the fact that the  
191 applicant has shown that the additional water runoff can be accommodated by the existing stormwater detention  
192 and best management practices will be installed for the entire site.  
193

194 Ms. Roblero closed by stating that Staff is in support the recommendation of the Planning Commission to allow  
195 for the expansion of the conditional use permit to allow for the building at 8003 Pfeiffer Road to be utilized as a  
196 Ministry Center with the conditions as established by the Planning Commission.  
197

198 Russ Naber, Church of the Saviour-Mr. Naber commented on the difficulty and frustration of the process but  
199 stated that he felt all needs have been represented in the revisions. He stated that the Church wanted to do the right  
200 thing even when they are not in agreement. Mr. Naber provided a summary of the changes made in the plans in  
201 regard to the landscape, width of the driveway and the drainage plans. He further explained that he met with Mr.  
202 Riblet, Ms. Roblero and Mr. Donnellon regarding Basset Services. He stated that as a result of that meeting the  
203 proposed services have been amended to match the approved associated uses as set forth per the code.  
204

205 Mr. Cappel asked Mr. Naber if the changes to the stormwater management would retain more water than was able  
206 to be done in the past.  
207

208 Mr. Naber replied that it would as they have added outlets in the basin.  
209

210 Mrs. Bissmeyer asked if the amended services by Basset would only be offered thru the Church.  
211

212 Mr. Naber replied that the contract with Basset Services would now be offered as part of the ministry of the  
213 Church.  
214

215 Gerri Harbison, 7975 Pfeiffer Road-Mrs. Harbison thanked the Church for working with all the neighbors to come  
216 to an agreeable solution. She personally thanked Mr. Naber for his tireless efforts in working with the property



217 owners and City staff. She stated that she is happy with the revisions.  
218  
219 Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated that he wanted to extend his appreciation to the  
220 Church for diligently working with the community. He explained that it was stated that the Public Works  
221 Director had review the storm water proposal and asked who has reviewed it from Hamilton County.  
222  
223 Mr. Heitkamp replied that it does not have to be reviewed by Hamilton County as the City has adopted their  
224 building code and requirements.  
225  
226 Mr. Suer stated that he felt this process resulted in a good faith effort on the part of the Church to address issues at  
227 the public meetings. He stated that for the applicant the process does seem tedious, however the City is very  
228 thorough and as a result we have a better project now that has met the needs of all involved.  
229  
230 Mr. Margolis thanked Mr. Naber. He stated that it has been somewhat of an adversarial process and that Mr.  
231 Naber has diligently worked through the process to reach compromise with the Planning Commission, the Board  
232 of Zoning Appeals and the neighbors.  
233  
234 Mayor Dobrozsi thanked the Planning Commission for their diligence in working through the process and for  
235 clarifying information when City Council remanded it back to them. He stated that this was a first time in a long  
236 time (if ever) that an application had been remanded back to the Commission. Mayor Dobrozsi also thanked staff  
237 for their dedication to working with all parties to reach a solution.  
238  
239 With all discussion complete, Mr. Cappel made the motion to approve the recommendation of the Planning  
240 Commission to allow for the expansion of the conditional use permit to allow for the building at 8003 Pfeiffer  
241 Road to be utilized as a Ministry Center with the conditions as established by the Planning Commission.  
242  
243 Mr. Margolis seconded. City Council unanimously agreed.  
244  
245 The roll was called and showed the following vote:  
246  
247 AYE: Cappel, Bissmeyer, Dobrozsi, Roesch, Suer, Margolis (6)  
248 NAY: (0)  
249 ABSTAIN: Harbison (1)  
250  
251 Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none he  
252 asked for a motion to adjourn from the Public Hearing.  
253  
254 The meeting was adjourned at 7:00 p.m.  
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Connie Gaylor, Clerk of Council