

City of Montgomery
City Council Public Hearing Minutes
January 23, 2019

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Chief of Police
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
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

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

City Council Members Absent

Lynda Roesch, Vice Mayor

City Council convened in Council Chambers at 6:25 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.

Mr. Donnellon explained to those in the audience that in a Public Hearing it is City Council's role to consider the recommendation made by the Planning Commission. He explained that this matter was discussed at prior Planning Commission meetings and is now in front of Council to consider only the current recommendation. He stated that based on the evidence supplied in the Public Hearing packet, Council has four choices. They may approve the recommendation, deny the recommendation, remand the matter to Planning Commission for more specific information, or take the matter under advisement and vote at another public meeting within thirty days. If City Council chooses this final option, it is suggested that City Council announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.

Mr. Donnellon reminded the audience that the Code does not allow additional new evidence to be submitted for review during the Public Hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.

Mr. Donnellon also stated that according to the Rules of Council, those wishing to speak at the podium have a limit of 3 minutes in their comments. He encouraged those who only want to echo the sentiments of a prior speaker can simply say that they agree with previous statements.

Ms. Roblero provided background to City Council and the audience explaining 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. The property properties at 8003 and 8005 Pfeiffer Road have been consolidated into one lot, which is approximately 5.96 acres. The church is an approved conditional use in the district and the Montgomery Nursery School also operates out of the church facility. The applicant is proposing to renovate the existing building 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 to allow for two-way traffic, additional parking spaces along the drive, new bollard lighting and a

handicap ramp on the rear of the building to provide exterior access to the lower level of the building. In the original application, the Church was requesting that a private company, Basset Psychological Services be permitted to have offices in the Ministry Center as an associated use to the Church. Basset Psychological Services currently partners with the Church as well as The Montgomery Nursery School to provide services; however, the physical location for the business is in the City of Madeira. The request to allow for Bassett Psychological Service to operate from the Ministry Center has since been withdrawn by the applicant.

Ms. Roblero stated that the Planning Commission met on November 19, 2018, to consider this application. Notices were sent to neighbors within a 300' radius of the church. Several guests and residents attended the meeting both in opposition and support of the project. There was much discussion regarding the proposed use of the building as well as the proposed changes to the site. After hearing testimony and discussing the proposal, the Planning Commission tabled the application to give the applicant time to provide additional information and to take into consideration concerns from adjacent property owners regarding lighting, landscaping, storm water, loss of privacy and the proposal to allow Basset Physiological Services to operate from the building.

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 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 Bassett Physiological Services to the building was cause for concern since it could set a precedent for allowing a business to operate from a conditionally permitted use in a residential district. In response to concerns raised by staff, Planning Commission members and adjacent property owners, the Church withdrew the request to allow for Basset Psychological Services to operate from the Ministry Center. Instead, Basset Psychological Services would partner with the Church of the Saviour as well as The Montgomery Nursery School on-site to provide services; however, the physical location for the business would be in Madeira. The Ministry Center would be used for group meetings, counseling and storage, which are uses directly related to the conditionally permitted use;
- The applicant submitted a revised landscape plan to provide for a visual screen between the Ministry Center and the adjacent properties and stated that the Church will commit to maintaining the plantings; and,
- The applicant provided some additional information regarding the proposed bollard lighting for the driveway. The bollard lights will be approximately 42" in height with louvers to distribute light downward. The applicant has stated that the light distributes 1 foot-candle of light in a 4' radius with 0 foot-candles at a 6' radius. The bollard lights would be installed approximately 1' – 2' from the driveway and therefore, will be in compliance with the light trespass regulations. The applicant has stated that they estimate there will be a need for 7 bollard lights on the north side of the driveway and 6 bollard lights on the south side. The Church is still evaluating the need for bollard lighting along the proposed handicap ramp along the back of the building.

After hearing testimony and discussing the application, the Planning Commission voted 5-1 to recommend approval of the expansion of the conditional use permit to allow for the building at 8003 Pfeiffer Road to be used as a Ministry Center and approved the Final Development Plan with the following conditions:

1. The final design of the landscaping be reviewed and approved by Staff and the City Arborist. Landscaping shall be properly maintained as required by the Zoning Code and the Property Maintenance Code.
2. Post-construction storm water best management practices shall be utilized as reviewed and approved by the City Engineer and the final storm water management construction drawings shall be approved by the City Engineer.
3. The final location of the bollard lighting shall be reviewed and approved by Staff.
4. Any parallel parking spaces shall meet the dimensions as established in Schedule 151.3210(A).
5. The width of the drive shall be in compliance with the Zoning Code pending a legal opinion on whether the drive shall be considered a 'driveway' or an 'access drive'.
6. Any additional impervious surface due to modifications to the site plan based on conditions 4 and 5 shall be accounted for and the additional storm water shall be accommodated appropriately.

Ms. Roblero summarized by stating that since the Planning Commission meeting on December 17, 2018, the Law Director has issued a legal opinion regarding the drive for the proposed Ministry Center. In short, the Law Director found that if parking is provided on the drive, it shall be considered an access drive based on the definition of an access drive in the Zoning Code and shall meet the setback and width standards as established in Section 151.32; however, if no parking is provided along the drive, it shall be considered a driveway and meet the setback and width standards for residential driveways. Further, since the existing parking lot can accommodate the required parking spaces for the Ministry Center, it is the Law Director's opinion that restricting the Church to providing a maximum of two handicap parking spaces along the access drive would meet the overall philosophy for conditional uses of mitigating impervious surface coverage and mitigating its impact on surrounding properties. After receiving the legal opinion, the applicant has revised the plan to show two parking spaces along the access drive, has revised the width of the drive to be in compliance with Schedule 151.3201(A) and revised the dimensions of the parking stalls to be in compliance with the regulations in Section 151.32. The applicant has also provided a revised calculation of the total impervious surface coverage, which shows that 46.8% of the site is in impervious surface coverage. Due to the fact that the applicant has revised the site plan to be in compliance with the appropriate sections of the Zoning Code and the opinion of the Law Director and due to the fact that the impervious surface coverage remains below 50%, Staff is in support the recommendation of the Planning Commission to allow for the expansion of the conditional use permit to allow for the building at 8003 Pfeiffer Road to be utilized as a Ministry Center with the conditions as established by the Planning Commission.

Mr. Margolis asked Ms. Roblero if the City Arborist has reviewed the plans.

Ms. Roblero stated that he did and has accepted the proposed landscaping with no conditions.

Russ Naber, 10523 Sundance Court, Blue Ash-Mr. Naber introduced himself as the Chairperson for the Board of Trustees for the Church of the Saviour. Mr. Naber explained to City Council that the Church of the Saviour was established in 1957, meeting at the old Montgomery Elementary School before building the current facility in 1960. He stated that the church has two parsonages, one that was included is the request for the expansion at 8003 Pfeiffer Road and one on the westside of the property. He stated that the Church has been a good steward to the community by opening their building to the Blue Ash Montgomery Symphony Orchestra, the Boy Scouts, Al-Anon support meetings, and for Mental Illness support groups, as well as their weekly worship services. He stated that for over 10 years the church has been short of capacity for holding small meetings and storage space and had to delay the operations of programs.

Mr. Naber stated that, if approved, the renovation of the parsonage would provide them with larger meeting

rooms, a handicap elevator, handicap restrooms, removal of the exterior decking and garage door and would add a handicap accessible ramp for entry into the building. He stated the widening of the driveway would provide for a turn around drive that allows close access to the building and a handicap parking. He stated that the house has not been renovated since the 1980s and will still fit in with the aesthetics of the neighborhood.

Mr. Naber explained that in response to the Planning Commission's concerns about the operation of Basset Psychological Services, the church and Basset have decided not to house Basset's offices on location but will house them in an office in Madeira. He stated that the driveway was moved well beyond what was required and the landscaping plan resubmitted to provide additional privacy between neighboring properties. He stated that the church will maintain all landscaping by entering into a maintenance contract with the landscaping company. Mr. Naber explained the installation of bollard lighting that complies with the Planning Commissions comments and that a final plan had been submitted for final review. He stated that they have made a third modification, based on the recent opinion of the Law Director, to reduce the number of parking spaces for elderly/handicap from six to two and designed the dimensions to meet the Code. They have expanded the driveway width from 20 to 24 feet to comply with the access drive directive given by the Law Director. In terms of the consolidation of the property at 8003 and 8005 into one parcel, this lowered the percent of impervious surface required from 52% to 45%. The modified plan is at 46.8%. The Planning Commission approved this under the condition that they verify with the City the best practices to manage storm water for the property. The most recent change will have very little impact on surface water. They have reviewed a drainage plan with the Public Works Director and he has agreed that they are using the best practice to manage storm water. They are modifying the concrete retention pond by modifying the concrete basin in the retention pond that is in front of the church. They are adding a drain box that will have staggered orifices that will control waterflow that can be retained in the pond. The pond will also use natural drainage with mostly grass that will allow some water to absorb into the ground. On the 8003 property they will add a bioretention garden, which is a swale that has plantings on it that will help to absorb water and at the base will have underdrains that will bring excess water into the retention ponds. This will be the second bioretention garden, there will be one installed along the pipe that runs under the northside drive to take up water that will not be handled by the storm sewer that doesn't handle the water as quickly as it should.

Mr. Naber stated that per conditions by the Planning Commission, they will submit final construction plans to the Public Works Director and the Engineer for approval before any construction or paving is done. He stated that paving probably wouldn't be done before spring or late June, but they would like to begin on the building renovation upon approval. They did consider the impact on traffic and the numbers are well within current daily use and the counseling will add another family per hour on a typical day. He stated it maybe another six to eight people per day. He stated that they are asking Council to approve their application with conditions and consider the changes that have been made. He state that the Planning Commission has approved the application with conditions that will increase meeting and storage space that are critical to the operation of the Church and meet the needs of the community.

Mayor Dobrozsi asked Ms. Roblero about an existing tree stand and brush. He asked Ms. Roblero if they could get clarification on the landscaping plans and what is staying in the existing plan and what is new.

Mr. Naber replied that the plan is to remove honeysuckle and trees that are diseased or damaged, but it is their intent to preserve all the mature trees. He stated that they will remove overgrowth areas to make it look better but will also retain as much privacy between the neighboring properties as possible.

Mayor Dobrozsi asked for details on where the drainage goes currently and where it will be going after development.

Mr. Heitkamp stated that he met with the applicant to review all drainage. He stated that he has not received final plans yet, but according to their discussions the applicant is taking the drive and sloping it to the south and installing a bioretention swale to directly receive the runoff to direct the drainage into the ground. He stated that bioretention swales are an excellent tool to be used for that purpose and directly addresses the impervious surface that is being added in that area.

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Mr. Margolis thanked the congregation for their willingness to expand in our community and to continue to meet the spiritual needs of the community. He stated that he did attend the Planning Commission meetings that address the application, in which 151.251 of the Land Use Code was discussed. He wanted to emphasize that this is a conditional use in a residential neighborhood. He said we are known as a community of neighbors and residents and that the City does want to preserve the boundary of the Code. He said that we are concerned with safeguarding the property rights of the institution and the neighbors. He stated that his concern is the maintenance of the landscaping. What can be done to ensure the landscaping can be maintained.

Mr. Suer stated that he felt the Church is attempting to do good work, which he expects from a church. He stated that they are also making a very good attempt to work with the City and listen to residents which is evidenced by the modifications of the plan. He stated that he has seen over the years with different applications that often an applicant presents a nice landscape plan but does not always maintain it. He asked Mr. Naber about a letter he had drafted on December 12, 2018, in which it is stated that the church plans to enter into a maintenance agreement. He asked Mr. Naber if a contract has in fact been entered into for this maintenance.

Mr. Naber responded that they have not yet as they were waiting on approval. He stated that they are committed to create and maintain the landscaping in a quality way.

Mr. Suer stated that there have been problems with the landscaping at the church over the years and what assurances can he give that this will not be the case this time.

Mr. Naber replied that although he has only been serving in his current role for about a year, the Church has changed landscaping companies and has installed more suitable plantings. He stated that he would invite the City Arborist to check the plantings yearly.

Mayor Dobrozsi asked if they have or are installing, an irrigation system.

Mr. Naber replied that they have not and that they will make sure it is watered. He stated that Don Druffel will be the landscaping company.

Mr. Cappel asked about the issue of flooding on one of the streets. Is this water going to contribute to flooding issues.

Mr. Heitkamp replied that the existing site drains to Huntersknoll Court. He stated that while we do not want to make the runoff worse, the goal is to look for opportunities to improve it. He stated that he has worked with the church over the last four to five years to address those issues and have been eager to make improvements. He stated that the big improvement will be the detention basin. He stated that impervious areas with bioretention will provide value to capture runoff, both current and additional.

Mr. Cappel asked how many gallons of detention will be added.

Mr. Mark Walker, Civil Engineer for the project, replied that he estimated the existing volume is twelve to fifteen thousand cubic feet.

Mr. Cappel stated that bioswales require a lot of maintenance and are very difficult to maintain. Would this be included in the landscaping contract.

Mr. Naber explained that regarding the groundwater concerns, they are looking at the total site. He stated that they are looking at additional improvements across the property to include the replacement of downspouts that were crushed or clogged to now drain to the detention pond. He stated that total water management improvements are a focus of this plan as well.

267 Mrs. Bissmeyer stated that she is concerned with protecting the quality of life for neighbors especially in a
268 conditional use area. She asked for clarification of the operation of the Basset Psychological Services piece. She
269 stated that in the application the housing of their operations at the church was withdrawn. She asked for
270 clarification as to if they were still going to be there from the original application.
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273 Mr. Naber replied that they will still be there offering services. He stated that he doesn't know the demand for
274 their services but that there will be other counseling groups and support groups that will utilize the building as
275 well.
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277 Mrs. Bissmeyer asked if these groups are for-profit or are volunteers.
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279 Mr. Naber stated that church members are volunteers. He stated that there is only so much that trained volunteers
280 can treat. He stated that Basset can offer onsite services to cover the many needs that church volunteers are not
281 qualified to offer.
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283 Mr. Donnellon asked for clarification on the withdrawn application regarding Basset's headquarters. He stated the
284 distinction is that they will not have someone answering phones there but will still see clients that are not church
285 members and will be offering services to the community. How is this distinguished from what they applied for
286 before.
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288 Mr. Naber stated that all business operations will be conducted at their other operation offsite, which was their
289 understanding from the Planning Commission conditions.
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291 Mr. Donnellon stated that they are still using it for business operations, not just providing services to the church
members or support groups.
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293 Mr. Naber said that a lot of that will be people who will be referred by the Church.
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296 Mr. Donnellon asked if those clients couldn't go to the Madeira location.
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298 Mr. Naber stated that if that was convenient to them.
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300 Mayor Dobrozsi opened questions and comments to guests and residents.
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302 Erin Sprang, 10698 Deersadow Lane- Ms. Sprang stated to City Council that she has attended the church for
303 eight years now and is also the Director of Montgomery Nursery School, the preschool ministry of the church.
304 She is invested very deeply in the works of the church. She took the initial steps to develop the relationship
305 between Dr. Sweeney and the church. She works with Dr. Andrew Sweeney each week in teaching the children
306 social skills. She stated that the impact on the children and their families is very significant as they are more
307 comfortable speaking with a doctor they are familiar with. She stated that having Basset at the church is not an
308 attempt to bring a service but is about shaping the Church's identity in Christ. She stated that "Peace House" as
309 they are referring to the house being renovated, will be a space to develop health, hope and healing to the
310 community. The partnership is not an attempt to commercialize the community. She said this will offer services
311 for mental illness needs.
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313 Dr. Andrew Sweeney, 7596 Trailwind Drive- Dr. Sweeney introduced himself as the owner of Basset
314 Psychological Services. He stated that he works with children and families that suffer from anxiety and
depression. He stated that intervention teaches parents how to handle anxiety and depression. He explained that
315 the expansion of the conditional use permit offers a unique opportunity to the church, as since it is a house it
316 removes the stigma the people feel when they enter into a traditional "institutional" looking building. He stated
317 that the partnership with the Church also allows them the opportunity to invite speakers and trainers to use the
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facility. He stated that they can provide workshops with Sycamore Schools and local medical professionals. He stated that through the working relationship he has with Montgomery Nursery School he has realized there is a tremendous need for this kind of service. He stated that he graduated from Sycamore Schools and has seen a tremendous increase in overdoses or deaths. He stated it may have been different if this type of service has been available.

Ben Vore, 8679 Arcturus Drive- Mr. Vore stated that he is an English teacher at Sycamore High School and a neighbor to the church and has benefitted greatly often attending bible studies and vacation bible school with his children. He said that in the past he has benefitted from mental health counseling for depression and feels the community will benefit from the services Basset will provide. He stated that as a teacher, he feels his students would benefit from the services. He felt that any service that would benefit the students would benefit the city.

Laura Nocito, 7413 Baywind Drive-Ms. Nocito stated that she is a graduate of Sycamore Schools and has children there now. She stated that she felt led to speak because it is important that as a community, we hold onto our identity of offering access to help when needed. She stated that Basset was able to treat her daughter and feels the service is vital in providing support to families. She stated that she has unique perspective in that her property backs up to a church. She stated that she understands the concerns that Council and others may have and that although there are no guarantees, when you live next to a church it is in your best interest to support the project.

Garey Mahoney, 7955 Pfeiffer Road- Mr. Mahoney stated that he feels the atmosphere between the church and its neighbors is toxic due to the changes that have been seen in the past. He stated that his concern is about the commercialization of the residence and property, not about the children. He explained that his concerns were also with the added lighting, landscaping and the widening of the driveway.

Mike Harbison, 7975 Pfeiffer Road- Mr. Harbison addressed City Council as a homeowner who will be affected by the application. He stated that he had a legal question to ask. He asked if he could pass out an outline of his comments.

Mr. Donnellon stated that he could submit it, but if it was new evidence they would have to throw it out.

Mr. Harbison stated that he would hold off on passing it out. He cited sections of the zoning code in relation to conditional uses and parking lots, access drives, minimum lot size, and impervious surface ratio. He stated that with the three revisions that have been submitted, that 53% of the church and parking lot was reported, however, when they combined 8003 and 8005, they reported it was 45%. In revision three, they stated it was 47%. They have not provided what the current impervious surface is. He stated that we should do what is best for the community as whole. He stated he has always aspired to do this while serving on the Planning Commission. He encouraged the Church to step up and turn 8007 into an environmental conservation area. He said that 43% impervious surface is better for the residents as a whole than the 47%. With 8007 as a green space it absorbs water when you build on it, it will exacerbate the percentage. He stated that one of the general criteria that would be met is that it would not adversely affect the neighboring properties. He asked that the church be held to provide the impervious surface numbers and encouraged them to make 8007 an environmental conservation area.

Lowell Bowie, 7958 Huntersknoll Court-Mr. Bowie stated that he has lived here for 42 years and is immediately to the south of the parsonage and retention pond. He stated that the message tonight is to do the right thing in the right way. He stated that the Huntersknoll Court drainage basin is a disaster. He stated the City has been out to look at it. He stated that if we continue to direct more water to an already stressed system, the water issues will only increase. He asked City Council to remand this request back to Planning Commission based on distortions in their plan, omission of impervious surface, and drainage issues. He stated that there are not site plans that deal with both 8003 and 8007. He stated that we should be addressing the drainage for all the property. He stated he sent a letter to the church and received a response, but there has been no contact with them since that time. He stated that the church hasn't dealt with residents in good faith. He feels they are piece-mealing the issues and will continue to come back to the City with additional requests. He stated he had no new evidence to hand out, but he

371 does have a graphic to hand out and asked to submit it to City Council. The Law Director advised him to submit it
372 to the Clerk. The Law Director asked if he had previously submitted the graphic to the Planning Commission. Mr.
373 Bowie responded that he had not. Mr. Bowie asked City Council to take this opportunity to address something that
374 the Code hasn't been able to control, which is that the Planning Commission can only address the specific request
375 and ignores the whole issue.
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377 Carol Hoffman, 7962 Huntersknoll Court-Ms. Hoffman stated to City Council that she is both a member of the
378 church and a neighbor. She stated that she very much supports the project. She explained that whether the project
379 will work out with the counseling she doesn't know, but she feels counseling occurs when it is available and is
380 worth a try. She stated that a notorious low salary church cannot support the salary of a psychologist, so this
381 seems like a reasonable request. She feels that it is a good idea to remodel the parsonage as it is an eyesore. She
382 feels that the church is addressing broader issues, but feels the City needs to step up to address the drainage issues
383 that are accumulating on Huntersknoll. She doesn't know where the problems originated from or how to fix it, but
384 they need the assistance of the City to solve the problems.
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386 Gerri Harbison, 7975 Pfeiffer Road- She asked that the record reflects that she is speaking as a resident and only a
387 resident. She stated that they bought their house 33 years ago and at the time they looked out at a playground for
388 the nursery school. They heard laughter and watched the kids play including their own daughter. Then the church
389 expanded and now they look at the building. She stated that she has supported the activities of the church over the
390 years and their daughter even went to nursery school there, but sometimes enough is enough. She thoroughly
391 supports counseling believes that will be of benefit to everyone, however when they put in the addition the storm
392 water runoff has increased from the expansion of the driveway and the parking lot. She stated she has a lot of
393 runoff from that now. There is a continual stream or a creek between her house and the church's property. She
394 said it is a continuous struggle to keep landscaping there and the maintenance history has been poor on the
395 church's part. She stated she does have a concern regarding Mr. Donnellon's questions about Basset counseling
396 people as well as Council Member Bissmeyer's concerns about Basset being a for-profit counseling center. She is
397 also concerned about the precedence for the garage going away and what that can set down the road for other
398 residential properties. She asked that Council take that under advisement when they make their decision. She also
399 has concerns about the enlarged driveway. She explained that previous neighbors had five cars that fit nicely, so
400 she doesn't see where they need the extra room but that is a decision that City Council needs to make.
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402 Dave Seagram, 10345 Montgomery Road, St. Barnabas Church-Mr. Seagram stated that he supports the church in
403 their project. He has attended both of the Planning Commission meetings and believes the Code approves up to
404 50% of impervious surface, which their plan does. He stated that those in attendance at this meeting have heard
405 that the water drainage plan does meet best practices. He thinks that is a good thing. He stated that he has empathy
406 for the people on Huntersknoll Drive as there are similar drainage problems where he lives. He stated he has a
407 swale that runs through his backyard and with the current snowmelt, he now has a river in his backyard. He stated
408 that there are two separate issues. The Church of the Saviour project and the drainage on Huntersknoll. He asked
409 that this issue be addressed as a separate project. He stated if the Church meets the Code and all the conditions,
410 that it should be addressed on those merits.
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412 Cindy Coggins, 10359 Deerfield Road-Ms. Coggins explained that she has been a member of the church since
413 1958 and in fact her father is still a member. She stated that the nursery there was ran by her mother, so she has
414 deep ties to this church. She stated that she feels there is a great need for mental health services and in her mind, it
415 is not even a question. She stated that the renovation of the parsonage is over 75% for groups to meet in. She
416 stated that with the expansion the church could invite professional speakers in to continue their ministry to the
417 community. She stated that drainage and driveway issues are details that were discussed at the Planning
418 Commission meetings and that this discussion is not about Huntersknoll drainage specifically. She stated that the
419 issues with drainage on Huntersknoll needs to be dealt with separately.
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421 Reverend Jennifer Lucas, Church of the Saviour, 8005 Pfeiffer Road- Reverend Lucas expressed that she is
422 disheartened to hear the word "toxic" used to describe the relationship between the Church and neighbors. She

stated that it is their intentions to ensure that standards will be followed, and they do not wish to commercialize the residence or the church in anyway.

Jeff Ferrell, 7965 Pfeiffer Road-Mr. Ferrell stated that he thinks that Church of the Saviour is a great church with a great ministry but questions why the things they are discussing can't be done with the space they have. He stated if they have the money and the resources, why can't they minister to the children to the east and not the west. He stated that they would have to tear the house down. He lives in a place where if the greenery isn't maintained he would be looking at that out of his kitchen window. He stated that when the Church came to speak to him they stated it would take three years for the landscaping to mature. His concern is if they will maintain it and although they have best intentions, all he has to go on is their past track record. He discussed unintended consequences. He stated that when he purchased his home, while he knew the church was there, what he didn't know was that the green space would be a parking lot for Bethesda North Hospital during their construction. He stated his point is that we don't know what will happen in the future and by changing the use of the parsonage we now open it up to a use other than residential.

Mayor Dobrozi commented that we do live in a wonderful community and he feels that is because all of those in attendance. He stated that no matter which side you are on he wished those in Washington could take a cue from our community and have the civility to have passionate conversations face to face with one another to reach solutions together.

Mayor Dobrozi stated that obviously we have the Huntersknoll Court water issue which must be dealt with by the City and studied. He asked Mr. Donnellon that as long as we weren't dumping more water from this project into that area, is it part of this issue.

Mr. Donnellon replied that according to 151.2005, it states that when we go above 40% of impervious surface, one of the conditions is that we apply best management practices. It doesn't say best management practices to just that expansion. He stated we could step back and consider is the best management practices of storm water on the entire site and not just on the project. If we were dealing with a commercial site, if we were dealing with an expansion of a business or a development plan, we would look at the entire site to make sure there was no additional water runoff. He stated that he was not aware if the Church's engineer's calculation looked at the entire site and determined to bring it into best management practices. He stated that it may be an issue that comes into play when the parking lot is addressed but it's on the forefront tonight. He questioned if it was something City Council wants to investigate further as it is a concern that everyone has expressed.

Mayor Dobrozi asked Mr. Heitkamp if he could provide examples of best management practices, specifically what things are being done to meet that definition.

Mr. Heitkamp explained the following regarding best management practices. He stated that post construction best management practices deal primarily with water quality. He explained that historically, there have been storm water detention requirements with the goal to store water, however, with the increase in impervious area by development you're going to have more runoff with the goal of storing some of that runoff and releasing it slowly downstream. Mr. Heitkamp stated that is essentially what detention is trying to accomplish. The best management practices are more geared towards water quality, but it also has water runoff benefits as well. So, examples like a bio retention is a common practice. He explained that the nice thing about retention is like detention, you get runoff, you store the water, but the water still ends up downstream and just throttle it back, so it doesn't go down as fast. The nice thing about something like bio retention is it actually takes up that water, puts it into the ground, puts it into plants so it doesn't introduce that water to the downstream whatsoever. It doesn't mean that some won't be introduced but it will remove some of the water. A common practice a lot of sites will do is what's called an extended detention basin, where they basically take a detention basin and make it even larger and throttle it even more so that way the whole goal is to remove sedimentation from storm water before it goes downstream and provides some detention benefits from that. In the past, Planning Commission has approved things like impervious pavers or impervious pavement, like impervious concrete asphalt, to try to reduce the amount of

runoff and to get water to soak into the ground. So that's the whole goal of post construction.

Mayor Dobrozsi asked Mr. Heitkamp what the best practice would be for dealing with the driveway expansion. He stated he assumed it would be the addition of the bio retention pond right off of the driveway and that would only address the added runoff from the expansion and not the pavement.

Mr. Heitkamp responded that the Mayor was correct in his assumption. He explained that maybe the applicant could speak to it as well, but the bio retention would be to serve that driveway because it would be receiving that runoff directly. He stated it would be a best management practice for that addition and should make it even better than what it is today. In terms of the overall site, he felt that the church's goal was to try to address that through the outlet structure of the of the existing detention basins. He stated that Mr. Naber mentioned replacing it with a stage structure with the goal of releasing water. One of the issues with detention sometimes in terms of design is it helps you with some of the bigger rains, like the big storms of a 50 year or 100 year, but they don't do much for you for the smaller storms. The whole goal would be to put in a stage structure that provides benefits for a two-year, five-year, or 10-year type storm that we receive on a more frequent basis. He stated that he feels the church's goal was to try to incorporate a modified outlet structure to address the entire site.

Mayor Dobrozsi asked if the plans were fully complete.

Ms. Roblero stated they were not and that that would be a condition upon approval.

Mayor Dobrozsi asked Mr. Donnellon regarding the comments about Bassett operating on the site of the church property and clarifying if that is considered an accepted conditional use.

Mr. Donnellon explained that in relation to a church, in our code, it talks about associated uses and it gives examples of common facilities such as: residence, cafeteria, Fieldhouse, and infirmary. He stated the code goes to great lengths to separate the business community from our residential community. He explained that no one is saying that Basset is not a wonderful service or that the Urology Clinic is not a wonderful service, but we require the Urology Clinic and their operations to be conducted at Bethesda, in an area that is zoned business. He stated that we go to great lengths to separate the two uses. The question here becomes are we bringing to use the term commercialization into a residential area or is it an associated use relative to a church. He stated to Reverend Lucas that there is no doubt that she counsels people day in day out but that it is an associate use of a church. The issued is where we are moving that continuum to go to having Basset come in to provide that service. He stated by offering Bassett the opportunity to service clients in this building is it becoming a business. This is what we try to separate. He explained as an example that when we have businesses in a residential area which are home occupations, we have a number of regulations relative to when a home occupation can be there, what they can do, how they can do it, and so forth. Mr. Donnellon stated that it is a question of whether it's associated use or whether you can contain it or is it an associated use, they do have another location in Madeira.

Mr. Donnellon stated that we are allowed to put conditions on at Planning Commission to address the use of the building. He stated he looked at the fact that the church withdrew having Basset on the application on December 12, in a letter and then at the December 18 Planning Commission meeting, none of that was addressed. He stated that what is concerning is that the first three speakers here tonight addressed how wonderful it's going to be to put Bassett in there. He stated that he didn't feel that Planning Commission had the full array of information to be able to question the status of operating a business at the site.

Mayor Dobrozsi stated that before he covered all the items that have been questioned, he wanted to make sure that there weren't additional changes after the Planning Commission meetings. His concern is, did Planning Commission have a rightful view of the plan and details or should this be remanded back to the Planning Commission for further review.

Mr. Donnellon stated that he felt there needs to be clarification given on the access drive, Basset's operations, best

management practices for the entire site of the project and to obtain the total calculations of the impervious surface. Mr. Donnellon stated that it is up to City Council, however it is worth the Planning Commission reviewing the questions that will be provided to them by City Council as determined this evening.

Mayor Dobrozsi thanked Mr. Donnellon for his comments and opened the discussion for the Council Members to provide input.

Mr. Margolis stated that the issue of flooding at Huntersknoll was discussed at a past Public Works Committee meeting and that Mr. Heitkamp has done studies on this issue. He stated that he feels those are separate issues as long as the site is not contributing to the issue. Separate from the flooding issue, he stated that there were two issues he was concerned with. He first applauded the passion and the interest of Reverend Lucas in fulfilling the mission of the church. He is concerned, however, with the tenure of Reverend Lucas. He questions if she was to move on from the church would things degrade and who will ensure the long-term maintenance of the landscaping. He is not sure how we resolve that. His second concern is the continued fee for services as a business by Bassett. He stated he would like further explanation on these things.

Mr. Donnellon stated on the landscape maintenance, when we issue this condition for the zoning permit its part of the zoning permit and when you violate the zoning permit you can be cited. There have been many times where we've had businesses in the community that have let their landscaping deteriorate and we have issued first notices to get it corrected and then eventually citations can and will be issued. A condition on the landscape maintenance can be adopted as part of a conditionally permitted use and if it deteriorates they can be cited.

Mr. Suer stated that he feels there are questions that need further exploration. He stated that he agrees with the overall mission of this project. He feels that it's a worthy cause and that the church has made some really good efforts to address a number of things. However, he stated, there are still issues. He feels that the issues, already mentioned, need to be resolved before any kind of a final verdict is rendered on this project. He stated that concerning the commercial use by Bassett, that one concern is if Bassett's services grow outside of Montgomery, that what might start out as a small counseling operation, could gradually get bigger and bring about additional problems such as cars and parking, and any number of things. His next concern was the issue of a private business operating out of the church. There are also questions about drainage as we've heard about. He stated that he feels additional evaluation needs to be done on the entire site, not just this this particular part of the site.

Mr. Suer stated that there is a question that has been raised about the driveway setback and the issue of a conservation area. He stated this is of interest because, again it would affect drainage if something's built on that parcel and it is paved over in the future. He stated that more that needs to be explored for that. He stated that the definition of an access drive needs to be clarified. In summary, he feels that there is much more exploration that needs to be conducted before he would feel comfortable voting on this issue.

Mr. Cappel stated that his was concerned with a for-profit business operating out of a non-profit business, the commercialization as we've noted before. He questioned how a for-profit business operating out of a church would affect their non-profit status. He stated that we have heard about multiple accounts of water problems, but the fact of the matter is that adding more water, more volume to it, will likely make the problem worse. He stated he would like more information on that.

Mrs. Bissmeyer stated that she would reiterate what everybody else just said, that we want this community to be great. She stated she feels like a vote tonight is premature given all that new data that came out tonight to make any decisions. She stated she also has a concern with a for-profit business running out of a non-profit, umbrella organization and that this could be setting that precedent going forward in a residential area. She stated she would like the application to match what services are going to be offered by Bassett. She stated additional information is needed to address the water issues, the driveway issues, and the counseling issues. She is hoping that the Planning Commission could do some research that will provide us with more information addressing these concerns.

Mayor Dobrozsi stated that he would try to summarize the concerns that will be submitted back to the Planning Commission for further review. He listed the following items for review:

1. Review of impervious percentage for the entire site,
2. Verifications of best management practices for storm water,
3. Final landscaping review; what will remain and what is new,
4. Review of final layout of expanded driveway with clarification of setbacks,
5. Clarification of Basset Psychological services and associated use.

Mr. Cappel asked about the real estate tax issue for a non-profit.

Mr. Donnellon replied that it wouldn't change for real estate taxes. The issue with the church would be whether it's unrelated business income and whether they are generating any income from operation or that use. He stated that what he was hearing with Basset, is do you want Planning Commission to look at the now proposed use of this and whether it's considered an associated use. If it has an associated use, is there any negative impact the Planning Commission needs to control conditions to permit it to go forward, or if they believe it's not associated use as it's proposed that they can't approve it as a part of a conditional use for a church. In weighing that out they could look at what we do with home occupations, they could look at the terms determining of what is the volume of parking, frequency. A lot of those issues has an impact.

Mrs. Bissmeyer asked if this would be a different situation than Twin Lakes where their parcel is divided with some of it being tax free and some of it being taxed. Would this be a different scenario where that building is on a different plot, would it be a different tax area and because it is for profit.

Mr. Donnellon replied that he wouldn't think that would be the case because a substantial portion of it as you are outlining, would still be used for outreach services. He stated that that is something that would have to be weighed and considered. He stated that the City wouldn't weigh in on the tax bill on non-taxable or taxability issue.

Mrs. Bissmeyer also asked about the issue Mike Harbison discussed regarding his point about the conservation plot of land and questioned if that was already part of the previous percentage.

Mayor Dobrozsi stated that he felt that is of outside of that piece. He asked how Mr. Donnellon felt about the conservation piece.

Mr. Donnellon stated it would come down to changes relative to best management practices on the entire site.

Mayor Dobrozsi stated that it appears that it might be best if we remand this back to Planning Commission with the five items that he covered and bring those back to Planning Commission for review.

Mr. Naber asked to address City Council again for final comments. He explained that there are several items that he would like to comment or get clarification on. He would like to request of the City to receive definitive guidance on the setbacks. He stated that they have asked several times and were informed that the setbacks are within five feet and that they would be fine, however he is hearing contrasting information tonight.

Mr. Naber stated that his second issue is regarding the conservancy piece. He stated it is the church's intent to not build or do anything more than keep that lot green space. The reason for that, is it is a very confining lot and there's very little you can do. He stated that the only thing they want to maintain as a church is flexibility for the future of the property. He stated it might make sense for them to sell that property and they would hate to have that diminished in terms of value. He reaffirmed that they intend to keep it as green space at this time.

Mr. Naber stated that lastly regarding the water issues, they have a master site plan that has been developed and designed. He stated they were waiting for the final piece around the driveway. He stated that it was their

understanding that it was not part of the decision making on 8003, but it would be something that the City engineer would review when it got to resurfacing the current parking lot and entrances. He stated that they do have that and some of the best practices that were referred to tonight come from that plan. He stated that it was their understanding that was not necessarily part of the consideration that they are undergoing tonight. He closed by stating that he wanted to offer to their neighbors, much like Reverend Lucas, that if they felt like things were not cordial and didn't feel that they have a good relationship with the church, that he wanted to apologize. He stated that the church values their neighbors as part of the community.

Mayor Dobrozsi thanked Mr. Naber for his comments. He stated that next would be to remand back to Planning Commission.

Mr. Donnellon stated that regarding the timing of the Planning Commission, that it must undertake that review in 30 days and return it back to Council. If it becomes a logistics issue, Council could agree to expand it 30 days, but this is not a 120-day or 180-day process. He stated that the City will not be going through the process of another 30-day notice period. Council will then hear, and Council would decide to make that decision based on what is coming back from a recommendation for Planning Commission, so hopefully it gets expedited and comes back quickly.

Mr. Cappel made the motion to remand the request for the proposed expansion of a Conditional Use Permit and Final Development Site Plan approval for the Church of the Saviour back to the Planning Commission for additional review and fact finding.

Mrs. Bissmeyer seconded. City Council unanimously agreed.

Mayor Dobrozsi thanked all in attendance for coming to the meeting to share their questions, comments and concerns. He stated that he appreciates their willingness to come in person to a meeting and feels that is what makes Montgomery the truly special community that it is.

Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none he asked for a motion to adjourn from the Public Hearing.

Mr. Margolis moved to adjourn the Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.

The meeting was adjourned at 8:38 p.m.



Connie Gaylor, Clerk of Council