



**CITY OF MONTGOMERY**  
10101 Montgomery Road • Montgomery, Ohio 45242  
• (513) 891-2424 • Fax (513) 891-2498

Public Hearing Agenda  
October 5, 2022  
Montgomery City Hall  
10101 Montgomery Road

6:45 P.M.

1. Call to Order
2. Roll Call
3. Guests and Residents
4. Old Business
5. New Business
  - a. Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery
6. Other Business
7. Adjournment

September 27, 2022

TO: Brian K. Riblet, City Manager

FROM: Kevin Chesar, Community Development Director

KC

Cc: Tracy Henao, Assistant City Manager

SUBJECT: Forward Request for Application for Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery

**Request**

It is requested that City Council consider a recommendation from the Planning Commission regarding the Application for Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery regarding the construction of two mausoleums.

**Background**

The Archdiocese of Cincinnati/Gate of Heaven Cemetery as a part of growth in internment services has proposed the construct two new mausoleums. Each mausoleum structure is approximately 2,860 square feet for a total of 5,720 sq. ft. The cemetery anticipates building the first structure, labeled A1/B1, within the next year. The applicant plans on constructing Structure A2/B2 within 5 years. The overall cemetery property is approximately 160 acres and the area for the location of the mausoleum is impacting about 35,000 sq. ft. (.8 acre). The mausoleums will be located on the western side of the cemetery approximately 240 feet away from Montgomery Road between the offices and columbarium structures.

The proposed new building designs will complement the existing buildings to be consistent with the character of the cemetery. The facades will be polished stone wall veneer, glass, and synthetic stucco. The property is not subject to any design guidelines.

The property is zoned 'A' Single Family Residential, and cemeteries are a conditionally permitted use in the district. The property has been utilized as a cemetery since 1947. The surrounding properties to the north are zoned 'A' Single Family Residential and 'D3' Multi-Family Residential (Vintage Club), east and south are zoned 'A' Single Family Residential and used for single family residences. The property to the west is mostly

located in the township with a small area zoned 'GB' General Business. Overall, a majority of the frontage of the property is bound by Montgomery Road on the west and I-275 on the south.

The applicant also requested that the second building, A2/D2, be approved for an extended period of at least 5 years versus the typical 1-year expiration. The request is in part desired to allow for construction of the initial building and then to seamlessly proceed to the next structure as demand for interments occur. Section 150.1609(B)(3) permitted the Planning Commission to consider an extended approval.

The minutes from the Planning Commission meeting is included in the packet.

### **Planning Commission Recommendation**

The Planning Commission met on September 12th, 2022, to consider the application for the expansion of a conditional use and the Final Development Plan. After hearing testimony and discussing the application, the Planning Commission was not in favor of extending the expiration date past the typical one year as it pertains to the future construction of building A2/D2. Overall, the Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit and approve the Final Development Plan. The conditions recommended by the Planning Commission are shown below:

- Final stormwater regulations be met in conformance with Hamilton County Stormwater Regulations.
- The Final Development Plan be approved with City Council's approval of the Expansion of Conditional Use.
- Final landscaping be approved subject to the City Arborist.

### **Staff Recommendation**

The project significantly enhances the development of internment services provided by the Gate of Heaven Cemetery. The proposed structures are on a small portion of the overall property and are intended to architecturally compliment current cemetery buildings. The site presently has substantial landscaping and mounding with additional vegetation being added to enhance the area for visitors. Overall, it appears the addition of the mausoleums should not have any negative impacts on surrounding properties. Therefore, Staff supports the recommendation of the Planning Commission.

**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING**

City Hall · 10101 Montgomery Road · Montgomery, OH 45242

**September 12, 2022**

<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
LeeAnn Bissmeyer Vice Mayor Montgomery City Council	Mary Lou & Joe Rimsky 11469 Grandstone Lne 45249	Kevin Chesar Community Development Director
John Hattersley Terracon Consultants 611 Lunken Park Drive Cincinnati, OH 45226	Mary Rutledge 8410 Capricorn Drive, 45249	Karen Bouldin, Secretary
Thomas Jordan 11000 Montgomery Rd, 45249		<u>ALL COMMISSION MEMBERS PRESENT</u> Chairman Dennis Hirotsu Vice Chairman Jim Matre Vince Dong Peter Fossett Darrell Leibson Barbara Steinebrey Pat Stull

**Call to Order**

Chairman Hirotsu called the meeting to order at 7:05 p.m. He reminded all guests and residents to sign in, and please turn off all cell phones.

**Roll Call**

*The roll was called and showed the following response/attendance:*

**PRESENT:** Mr. Stull, Mr. Fossett, Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong,  
Chairman Hirotsu (7)

**ABSENT:** (0)

*All members were present.*

**Guests and Residents**

Chairman Hirotsu asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

Chairman Hirotsu explained the process for this evening’s meeting to all guests and residents: “Mr. Chesar reviews his Staff Report and the Commission asks any questions they might have. The applicant presents their application and the Commission then asks any questions. The floor is opened to all residents for comments. If a resident agrees with a comment that was previously

## **Planning Commission Meeting**

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29 stated, they could simply concur, instead of restating the entire comment to save time.  
30 The Commission discusses the application and residents are not permitted to comment or  
31 question during this discussion. The Commission will then decide to table, approve or deny the  
32 application.

33

### **Old Business**

34 There was no old business to report.

35

### **New Business**

36  
37 *Application for expansion of a Conditional Use and Final Development Plan for Gate of*  
38 *Heaven Cemetery located at 11000 Montgomery Road.*

39

### **Staff Report**

40  
41 Mr. Chesar reviewed the Staff Report dated September 12, 2022, "Application for Expansion of  
42 a Conditional Use and Final Development Plan at Gate of Heaven Cemetery, 11000 Montgomery  
43 Road." He showed drawings on the wide screen for all to see, to provide more understanding of  
44 the Staff Report.

45

46  
47 Mr. Chesar indicated that there had been one email received (included in Commissioners'  
48 packets), from a person inquiring if any of the wooded area would be removed, regarding this  
49 application. He indicated that the application is not impacting any of the wooded area  
50 surrounding the cemetery.

51

52 Staff asked for any questions.

53

54 Regarding the 5 year extension, Mr. Dong asked if we had ever extended this in the past for a 5  
55 year term, or more. He understood that it had been done for six months in the past, and could go  
56 up to one year.

57

58 Mr. Chesar explained that there is a provision in the Code to allow Staff or Planning  
59 Commission to extend for 6 months, and then an additional 6 months; these have both occurred  
60 previously in various cases. He additionally checked with Assistant City Manager, Tracy Henao,  
61 if she recalled of any previous 5-year extensions, and she had not. While not a normal practice,  
62 the provision in the Code does allow the Commission to consider this.

63

64 Mr. Chesar noted that it could be possible that regulations could change in the next several years.  
65 This could make a difference for a development that hadn't really come to fruition.

66

67 Alternatively, Mr. Chesar noted the cemetery has been here since 1947, and is probably not  
68 going to be redeveloped into anything else. He reiterated that at this time, it is unknown if a  
69 potential code change regarding mausoleum regulations could occur in the future and most likely  
70 it makes sense that any future structures coordinate with the current architectural designs on the  
71 site. He deferred to the applicant, for explanation of the 5-year extension request.

72

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73 There were no more questions from the Board.

74

75 Chairman Hirotsu asked if the applicant wished to speak.

76

77 **John Hattersley, Terracon Consultants, 611 Lunken Park Drive, Cincinnati, OH**

78 introduced Tom Jordan, from Gate of Heaven Cemetery. Mr. Hattersley explained that they

79 requested both buildings at the same time simply for the sake of efficiency and simplicity.

80 He felt they would be back again in 2 or 3 years, to do this again, so they decided to put both

81 buildings in the same application. They are planning to get into construction for Buildings

82 A1/B1 toward the end of this year or early next year, so that it would be completed and installed

83 by this time next year. And then, within that 5 year timeframe, constructing and installing

84 Buildings A2/B2.

85

86 **Thomas Jordan, Director, Gate of Heaven Cemetery, 11000 Montgomery Rd,**

87 **Montgomery, OH 45249** stated that the reason to request approval now was that the same

88 architect and same builder designed both buildings – they are identical. He holds the same

89 concerns, that if trends change such as cremation becoming more popular than burial, they may

90 not even need them. But if they do need them, they will be one step ahead.

91

92 Chairman Hirotsu asked if they were out of capacity now. Mr. Jordan stated that they were.

93 He pointed out the 4 buildings on the drawing on the wide screen that were at capacity, except

94 for a few upper level, less desirable spaces. He noted that they probably should have started this

95 project about 3 years ago.

96

97 Mr. Fossett asked about the increasing popularity of cremation, and wondered if in another four

98 years they would not need another mausoleum. If that is the case, would the site look strange,

99 when it was designed for the 2 mausoleums to complement each other. He questioned if the area

100 would look like an awkward gap.

101

102 Mr. Jordan stated that they have plenty of uses for that land, whether it be for cremation or

103 ground burials.

104

105 Chairman Hirotsu asked if any guests or residents had comments.

106

107 **Joe Rimsky, 11469 Grandstone Lane, Montgomery, OH 45249** stated that their property

108 abutted the cemetery. His question was about the new construction that they were addressing

109 today. He asked if these were the same people who designed the existing mausoleums, with the

110 same materials. Mr. Jordan stated that this is a different architect, but the same builder.

111 He confirmed that the material will be granite, very similar in color, whatever is available today,

112 versus in the 1980s, when the original mausoleums were built. Mr. Jordan stated that this is

113 about identifying trends and expecting that is what it will be for the near future.

114

115 Mr. Rimsky asked to see the location of these proposed new buildings, on the drawing, as well as

116 the 2 existing buildings. Mr. Chesar pointed them out, on the wide screen, noting that the new

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117 buildings will be approximately 240 feet off of Montgomery Road. He also showed Mr. Rimsky  
118 the 2 ponds, near the entrance.

119

120 **Mary Rutledge, 8410 Capricorn Drive, Montgomery, OH 45249** stated that she received a  
121 letter from the City regarding this application saying that there were going to build the  
122 mausoleums within 300 feet of her property. She didn't believe this to be true. She was  
123 confused as to why she received a letter. Mr. Chesar explained that the Zoning Code requires the  
124 City to notify everyone who lives within 300 feet of the cemetery property. Because there are  
125 two large parcels of the cemetery, totaling approximately 160 acres, there were a lot of mailings  
126 that went out. He noted that it did not mean that they would be built within 300 feet of her  
127 property, but that she received notice of this application because she lived with 300 feet of the  
128 cemetery.

129

130 Chairman Hirotsu thanked Ms. Rutledge for coming to the meeting.

131

132 Chairman Hirotsu asked for discussion / comments from the Commission.

133

134 Mr. Stull felt this was clear cut. He was in favor of this application.

135

136 Mr. Fossett was also in favor; he felt the 5 year extension was sensible.

137

138 Ms. Steinebrey agreed with the other members.

139

140 Mr. Matre approved; he didn't feel we would set a precedent because there is not another 160  
141 acres anywhere else. Mr. Dong noted the hospital, but agreed it was different than the cemetery.

142

143 Mr. Leibson agreed with this application.

144

145 Mr. Dong agreed with this plan, but did not agree with the 5 year extension. He noted that it was  
146 not that difficult to come back before the Planning Commission (and then City Council) to get  
147 approval. He felt that the process was very simple. He would not want to give a blanket  
148 approval for 5 years to any developer.

149

150 Chairman Hirotsu agreed with Mr. Dong. He felt that this seemed like a matter of convenience,  
151 and it didn't feel that it was necessary – for example, if it was for a structural reason. He noted  
152 that other applicants could come and request the same only based on convenience.

153

154 Mr. Matre asked for Staff to explain the guidelines associated with this, regarding Staff's  
155 approval in these matters. Mr. Chesar stated that Staff could extend an application for (2) 6-  
156 month periods, essentially one year.

157

158 Mr. Matre asked if we could give Staff the ability to extend it for a longer period of time.

159

160 Mr. Chesar stated the decision for extension is Planning Commission role.

## **Planning Commission Meeting**

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161 Mr. Stull recalled that the only times the Planning Commission had granted extensions was for  
162 Joseph Chevrolet's Body Shop and the Tree of Life applications.

163  
164 Mr. Chesar stated that if the 6 month extension was approved, the applicant could come back and  
165 ask for another 6 month extension, and the Planning Commission could approve or deny it.  
166

167 Mr. Fossett felt this issue was more than convenience; he stated that it appealed to the unity of  
168 the project, and the ability to attain visual unity against any possible changes in design or the  
169 Code, between now and the time of construction, that might change the look of the second  
170 mausoleum. Mr. Dong stated that we have no design guidelines. Mr. Leibson pointed out that  
171 we could, if we happened to create a new ordinance between now and then.  
172

173 Mr. Leibson asked if they were going to build both of these now, would anyone have any issues  
174 with it. If not, then let's give them some time to do it. Mr. Dong pointed out the Vintage Club,  
175 noting that they came back for each phase.  
176

177 Mr. Chesar stated that there is a point to be made, that if something does change, from the design  
178 guideline perspective, it could make a difference. He noted that there are Corridor Design  
179 Guidelines that could at some point be developed for this area. However, whether those changes  
180 would impact the cemetery is not known in relation to the future.  
181

182 *Mr. Leibson made a motion to recommend to City Council that they approve an application*  
183 *for expansion of a Conditional Use and Final Development Plan for Gate of Heaven Cemetery*  
184 *located at 11000 Montgomery Road, per the application submitted by Thomas J. Jordan, dated*  
185 *August 22, 2022, and proposal submitted by John L. Hattersley of Terracon, with the*  
186 *following conditions:*

- 187 1) *Final stormwater regulations be met, in conformance with Hamilton County*  
188 *Stormwater Regulations.*  
189 2) *Final Development Plan be approved, with City Council's approval of the Expansion*  
190 *of Conditional Use.*  
191 3) *Final landscaping be approved, subject to the City Arborist.*  
192 4) *Approval of a five-year extension for construction.*  
193

194 *As detailed in the Staff Report dated September 12, 2022.*  
195

196 *Mr. Fossett seconded the motion.*  
197

198 Mr. Dong had no problem with this development proposal, but he took issue with the 5 years.  
199 He asked if they could amend this motion so that there be two motions: one for the development,  
200 and one for the 5 year extension.  
201

202 Mr. Chesar read from the Code: "Conditional Use shall expire one year from date of enactment  
203 ...". His point was that it was the Conditional Use that you were extending.  
204



**Planning Commission Meeting**

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205 Mr. Leibson understood it to be that the expiration of the expansion of Conditional Use, as  
206 approved tonight, be extended 5 years.

207  
208 There was more discussion, and all gained clarity of what points that the Planning Commission  
209 was recommending City Council to approve:

- 210 1) Expansion of a Conditional Use
- 211 2) Final Development Plan
- 212 3) Five year extension of the Conditional Use

213  
214 Mr. Dong stated that he was in favor of the Conditional Use and the Final Development Plan, he  
215 reiterated he only took issue with the 5 year extension.

216  
217 *Mr. Dong made a motion to amend the motion made by Mr. Leibson, to eliminate the 5 year*  
218 *extension of the Conditional Use, which would revert to allowing for an expansion of possibly*  
219 *one year.)*

220  
221 *Ms. Steinebrey seconded the motion.*

222  
223 *The roll was called and showed the following vote:*

224  
225 *AYE: Mr. Stull, Ms. Steinebrey, Mr. Dong, Chairman Hirotsu (4)*  
226 *NAY: Mr. Fossett, Mr. Matre, Mr. Leibson (3)*  
227 *ABSENT: (0)*  
228 *ABSTAINED: (0)*

229  
230 *This motion to amend Mr. Leibson's motion is approved.*

231  
232 *Mr. Leibson made a motion to recommend to City Council that they approve an application*  
233 *for expansion of a Conditional Use and Final Development Plan for Gate of Heaven Cemetery*  
234 *located at 11000 Montgomery Road, per the application submitted by Thomas J. Jordan, dated*  
235 *August 22, 2022, and proposal submitted by John L. Hattersley of Terracon, with the*  
236 *following conditions:*

- 237 1) *Final stormwater regulations be met, in conformance with Hamilton County*  
238 *Stormwater Regulations.*
- 239 2) *Final Development Plan be approved, with City Council's approval of the Expansion*  
240 *of Conditional Use.*
- 241 3) *Final landscaping be approved, subject to the City Arborist.*

242  
243 *As detailed in the Staff Report dated September 12, 2022.*

244  
245 *Mr. Fossett seconded the motion.*

246  
247 *The roll was called and showed the following vote:*

248

**Planning Commission Meeting**  
September 12, 2022

249     **AYE: Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong, Mr. Stull, Mr. Fossett,**  
250             **Chairman Hirotsu** (7)  
251     **NAY:** (0)  
252     **ABSENT:** (0)  
253     **ABSTAINED:** (0)

254  
255     *This motion is approved.*

256  
257     Mr. Leibson asked Staff a question regarding guidelines. If the applicant wanted an extension in  
258     about two years, do they come before the Planning Commission, and then we recommend to  
259     Council again, or do they go just to City Council. Mr. Chesar will research the code to clarify to  
260     all members of this Commission and will let them know what Staff can extend and what  
261     Planning Commission can extend.

262  
263     **Staff Update**

264     Mr. Chesar gave brief updates to the Commission:

- 265
- 266     ▪ Bethesda Hospital: Right before Labor Day, the Helipad relocated to the original area; a  
267     bit in advance of their projected date at the end of September.
- 268
- 269     ▪ Sycamore High School is still on track for the first game this Friday, September 16.  
270     There is still a lot of work to be done.
- 271
- 272     ▪ The City is working through the 2022-2023 Budget. City Council has a work session  
273     coming up. Staff will discuss the Comprehensive Plan with the Commission later this  
274     year.
- 275
- 276     ▪ Montgomery Quarter’s grand opening has been bumped to spring 2023, because they  
277     can’t get their materials in, due to the supply issue.
- 278
- 279     --There is no definite word on any more office rentals.
- 280     --Phase 2: still discussion about what that will be.
- 281     --Mr. Fossett stated that the flower boxes on the southern side of the parking garage  
282     looked great.

283  
284     Mr. Chesar confirmed with members that because of the Labor Day holiday interfering with the  
285     meeting days for Planning Commission, there will be no other meeting this month.

286  
287

**Planning Commission Meeting**  
September 12, 2022

288 **Council Report**

289 Ms. Bissmeyer stated there were only two items that City Council discussed at the last meeting.

290

291 1) Various roads such as in the Winds Subdivision, were discovered to have been dedicated  
292 but never accepted by the County. A motion was made to make this happen.

293

294 2) Annual review process for the TIF projects for the Vintage Club, the Triangle and  
295 Montgomery Quarter.

296

297 **Minutes**

298 Mr. Dong moved to approve the minutes of August 15, 2022, as written.

299 Mr. Leibson seconded the motion. The Commission unanimously approved the minutes.

300

301 **Adjournment**

302 Mr. Leibson moved to adjourn. Mr. Matre seconded the motion.

303 The Commission unanimously approved. The meeting adjourned at 7:50 p.m.

304

305

306

307

308

309

310

311 \_\_\_\_\_  
Karen Bouldin, Clerk

\_\_\_\_\_

Date

312

313 /ksb

Planning Commission

Application for Expansion of a Conditional Use and Final Development Plan  
Gate of Heaven Cemetery  
11000 Montgomery Road

September 12, 2022

**Applicant:** Terracon  
611 Lunken Park Drive  
Cincinnati, Ohio 45226

**Property Owner:** Archdiocese of Cincinnati/Gate of Heaven Cemetery  
100 East Eighth Street  
Cincinnati, Ohio 45202

**Vicinity Map:**



**Nature of request:**

The applicant on behalf of the Archdiocese of Cincinnati/Gate of Heaven Cemetery has prepared an application for an Expansion of a Conditional Use and Final Development Plan to construct two new mausoleums. The overall property is approximately 160 acres and the area for the location of the mausoleum is impacting about 35,000 sq. ft. (.8 acre). Each mausoleum structure is approximately 2,860 square feet for a total of 5,720 sq. ft. The cemetery anticipates building the first structure, labeled A1/B1, within the next year. The applicant plans on constructing Structure A2/B2 within 5 years. As such the applicant is asking for an extension of the expiration date regarding the second structure.

**Zoning:**

The property is zoned 'A' Single Family Residential, and cemeteries are a conditionally permitted use in the district. The property has been utilized as a cemetery since 1947. The surrounding properties to the north are zoned 'A' Single Family Residential and 'D3' Multi-Family Residential (Vintage Club), east and south are zoned 'A' Single Family Residential and used for single family residences. The property to the west is mostly located in the township with a small area zoned 'GB' General business. Overall, a majority of the frontage of the property is bound- by Montgomery Road on the west and I-275 on the south.

**Findings**

*Setbacks:* The proposed buildings meet the 50' setback requirements and are located 243' (Building A1/B1) and 236' (Building A2/B2) from Montgomery Road. Over 500' of setback is provided to all other adjacent property lines.

*Building Design and Materials:* The applicant has provided elevations of the new building designs indicating that the building materials will complement the existing buildings to be consistent with the character of the cemetery. The facades will be polished stone wall veneer, glass, and synthetic stucco. The property is not subject to any design guidelines.

*Lighting:* The applicant has indicated that no additional lighting is anticipated as the cemetery closes at dusk and opens at dawn. As such no nighttime traffic is anticipated. Two existing light poles on the eastern edge of the parking lot are proposed to remain.

*Landscaping:* The applicant is not proposing any new parking and the site area is not directly adjacent to any residential uses. The only area of the site that could be subject to the City's landscape requirements is the front yard which already contains a substantial amount of mounding and well-maintained mature vegetation. The applicant is proposing plantings within the lawn area of buildings A1/B1 and A2/B2 as well as along the current adjoining drives. At minimum, 40 new mature tree plantings

are proposed with a variety of coniferous and deciduous types. The site currently has mounding directly in front of the proposed mausoleums that contains at approximately 9 plantings that will not be impacted by the new construction.

*Circulation/Parking:* No road, access or parking changes are proposed to site. Code regulations do not directly address parking for a cemetery and leave the parking determination to Planning Commission. The proposed mausoleums will have accessible parking via the existing lot(s) south of the site. Staff understands the usage for the site will be low and believes the current parking will be adequate to serve the mausoleums.

*Stormwater:* The City Engineer has indicated that based on the size of the proposed development, it would be exempt from requiring any detention. The applicant will need to confirm compliance with any applicable Hamilton County Stormwater Regulations.

*Utilities:* The gas, water and fire protection for the proposed addition will be serviced from the existing services.

#### **CONDITIONAL USE SPECIFIC CONDITIONS:**

Chapter 151.2007(e) lists the specific conditions for cemeteries. Those conditions are listed below with a description of how the applicant is or proposes to address the condition.

1. No building, including a mausoleum or crematory, shall exceed three stories or 45 feet, including all construction mechanicals.

The proposed mausoleums are 16' 51/2" in height under the maximum permitted.

2. Burial vaults or crypts, gravestones, grave markers, monuments, statuary or bell towers and similar structures which do not exceed six feet in height shall be setback 15 feet from all property lines.

The regulation is not applicable.

3. Structures, as described in division (E)(2) above, greater than six feet in height but not exceeding 45 feet in height, shall be setback not less than 50 feet from the right-of-way line or any lot zoned and used for residential purposes abutting the cemetery property. Accessory buildings and sheds used for general maintenance of the cemetery grounds and other structures not related to a gravesite, must be setback a minimum of 50 feet from the front property line and 25 feet from the side and rear property line.

The proposed buildings meet the 50' setback requirements and are located 243' (Building A1/B1) and 236' (Building A2/B2) from Montgomery Road. Over 500' of setback is provided to all other adjacent property lines.

4. Any building, mausoleum, crematory, or associated parking, shall be setback 50 feet from the street right-of-way line.

The proposed mausoleums are in compliance with the setback and are at or over 236' from Montgomery Road.

Chapter 151.2002 lists 12 general standards that are applicable to all conditional uses. Staff has reviewed these 12 conditions and found that the site and the proposed mausoleums meets all the conditions.

### **Staff Comments**

The project significantly enhances the development of internment services provided by the Gate of Heaven Cemetery. The proposed structures are on a small portion of the overall property and intended to architecturally compliment current cemetery buildings. The site presently has substantial landscaping and mounding with additional vegetation being added to enhance the area for visitors. Overall, it appears the addition of the mausoleums should not have any negative impacts on surrounding properties.

The applicant has requested that the second building, A2/D2, be approved for an extended period of at least 5 years versus the typical 1 year expiration. The request is in part desired to allow for construction of the initial building and then to seamlessly proceed to the next structure as demand for interments occur. Section 150.1609(B)(3) permits Planning Commission to specify an extended approval, if desired.

Overall, per section 150.1607, Planning Commission shall make specific findings of fact that the expansion of a conditional use to approve or deny the application. Section 150.168 then requires City Council to hold a public hearing to review and confirm the conditionally permitted use accepted by Planning Commission. Planning Commission will also need to review the Final Development Plan and issue an approval or denial.

Should Planning Commission make a recommendation for approval of the Expansion of Conditional Use, they can also include a condition that the Final Development Plan be approved contingent on City Council's approval of the Expansion of Conditional Use with the possible following conditions:

- Final stormwater regulations be met in conformance with Hamilton County Stormwater Regulations.
- The Final Development Plan be approved with City Council's approval of the Expansion of Conditional Use.
- Final landscaping be approved subject to the City Arborist.
- A determination of the length of approval prior to expiration of the Expansion of Conditional Use.





## APPLICATION FORM

Meeting (Circle): Board of Zoning Appeals Planning Commission Landmarks Commission

Project Address (Location): 11000 Montgomery Road, Cincinnati, Ohio 45249

Project Name (if applicable): Gate of Heaven Cemetery - Mausoleums A1 B1

Auditors Parcel Number: 603-0023-0009-90

Gross Acres: 145.094 Loss/Units \_\_\_\_\_ Commercial Square Footage \_\_\_\_\_

Additional Information: \_\_\_\_\_

PROPERTY OWNER(S) Archdiocese of Cincinnati Contact Thomas J. Jordan

Address 100 East Eighth Street Phone: (513) 489-0300 ext. 262

City Cincinnati State Ohio Zip 45202

E-mail address tjordan@gateofheaven.org

APPLICANT Gate of Heaven Cemetery Contact Thomas J. Jordan

Address 11000 Montgomery Road Phone: (513) 489-0300 ext. 262

City Cincinnati State Ohio Zip 45249

E-mail address tjordan@gateofheaven.org

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature

[Handwritten Signature]

ONLY

FOR DEPARTMENT USE

Print Name Thomas J. Jordan

Date 8/22/22

Meeting Date:
Total Fee:
Date Received:
Received By:



## CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Planning Commission and Staff  
City Hall  
10101 Montgomery Road  
Montgomery, Ohio 45242

Re: Review Subject Site

Dear Members and Staff:

As owner(s) of the property located at 11000 Montgomery Rd, we hereby grant permission to Members of the Planning Commission and City of Montgomery Staff to enter the property for visual inspection of the exterior premises. The purpose of said inspection is to review the existing conditions of the subject site as they relate to the application as filed to the Planning Commission.

Property Owner(s) Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Thomas J. Jordan

Date \_\_\_\_\_

8/22/22

Planning Commission Members:

Vince Dong

Peter Fossett

Dennis Hirotsu

Darrel Liebson

James Matre

Barbara Steinebrey

Patrick Stull



611 Lunken Park Drive  
Cincinnati, OH 45226  
P (513) 321 5816  
F (513) 321 0294  
**Terracon.com**

August 22, 2022

City of Montgomery Planning Commission  
City Hall  
10101 Montgomery Road  
Montgomery, Ohio 45242

Attn: Kevin Chesar, Community Development Director  
Email: [kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)

**Re:** Request for Conditional Use Zoning Approval  
Mausoleums A1 B1 – Gate of Heaven Cemetery  
11000 Montgomery Road, Montgomery, Ohio

Dear Mr. Chesar and Planning Commission:

Terracon Consultants, Inc. (Terracon) has prepared this request for a Conditional Use Zoning Approval on behalf of the Archdiocese of Cincinnati for the approval of Mausoleums A1 B1 at the Gate of Heaven Cemetery located at 11000 Montgomery Road. Section 151.1003 of the City Code of Ordinances requires a cemetery to obtain a Conditional Use Zoning Permit for the use of any new buildings or structures.

**Name, Address, and Phone Number of the Applicant**

Gate of Heaven Cemetery  
11000 Montgomery Road  
Montgomery, Ohio 45249

Thomas J. Jordan, Director of Cemeteries  
(513) 489-0300 ext. 262

**Name, Address, and Phone Number of the Property Owner**

Archdiocese of Cincinnati  
100 East Eighth Street  
Cincinnati, Ohio 45202

Archbishop Dennis M. Schnurr, Trustee  
(513) 421-3131

**Proof of Ownership, Legal Interest or Written Authority**

The property deeds for the 145.094-acre parcel for the proposed Mausoleums A1 B1 are contained in Attachment A. The cemetery facility comprises multiple parcels owned by the Archdiocese and contains approximately 160 acres total.

Explore with us

### **Final Development Plan**

The final development plan for Mausoleums A1 B1 is contained in Attachment B, and includes a vicinity map, site map, and elevation detail. The proposed mausoleums will be sited in the vacant lawn located on the west side of the cemetery office building. The mausoleums will only serve for interment and visitation purposes, there will be no office, materials storage, or other workplace usage. The mausoleums will fit within the cemetery's existing entrances, access drives, parking areas, storm drainage, and landscaping features. The cemetery office building is served with electric, water, sanitary sewer, and storm sewer. The mausoleums will only require electrical service for lighting, and will utilize the existing storm sewer system for drainage. Visitors to the mausoleums will utilize the existing two parking areas.

The mausoleums will have a front property line setback of 243 feet, and the side and rear setbacks all will exceed 500 feet. Mausoleums A1 and B1 will be joined by an atrium structure, and will have a building height of approximately 16.5 feet. The estimated floor plan areas will include:

- Mausoleum A1: 1,200 square feet
  - Mausoleum B1: 960 square feet
  - Atrium: 700 square feet
- Total: 2,860 square feet

### **Statement of Need for Proposed Use, Its Location and Magnitude**

Gate of Heaven Cemetery requires the use of the proposed Mausoleums A1 B1 to continue to operate and serve the final interment needs of the region. The facility has been in operation for over 75 years, and now has a limited availability for traditional burial gravesites in the existing lawns within the rear areas of the property. The cemetery now needs a mausoleum structure to be able to continue to offer a final resting place for its clients that desire a whole casket burial option. The location and size of the proposed mausoleum structure was discussed in the Development Plan section above.

### **Consequences of Effects of Mausoleums A1 B1 on Surrounding Properties and the Neighborhood**

The proposed Mausoleums A1 B1 will have no apparent negative effects on surrounding properties and the neighborhood at large. Gate of Heaven Cemetery abuts the northeast corner of the Montgomery Road interchange with Interstate 275. The facility contains 160 acres overall, and has approximately 1,800 linear feet of frontage along Montgomery Road and its side abuts Interstate 275 for approximately 2,600 linear feet. The rear and other side of the facility abut a broad wooded corridor containing a tributary of the North Branch of Sycamore Creek. A portion of the rear boundary has wooded frontage along Weller Road.

Montgomery Road contains mixed commercial uses in the adjoining neighborhood of the facility, including a large car dealership facility, a mixed retail strip building, multiple professional office buildings, and a large hospital outpatient facility. The proposed mausoleums will have a front setback of more than 200 feet, and will have a building height of approximately 16.5 feet. The cemetery facility has multiple existing screening berms along Montgomery Road for the existing cemetery office building and for the four existing columbarium buildings. As the proposed mausoleums will be sited between the office and the columbaria, the existing screening will continue to preclude any effects on the neighborhood properties along Montgomery Road.

Residential properties abut the facility on both the north side (Vintage Club subdivision) and the rear (Reserve of Montgomery subdivision) property boundaries. The wooded stream corridor along these sides of the facility between the cemetery and these subdivisions serves as a significant natural screening barrier for all the cemetery buildings, including the proposed mausoleums. As the closest residential building in these two subdivisions to the proposed mausoleums has a setback of over 1,600 feet, the wooded stream corridor would continue to serve as effective natural screening.

The Weller Woods residential subdivision lies on the other side of both Interstate 275 and Weller Road from the cemetery facility. A concrete barrier wall lies between Weller Woods subdivision and Interstate 275, and a combination of tree plantings, screening berms, and a portion of a concrete barrier wall lies between the interstate and the cemetery. The wooded stream corridor also runs on the north side of Weller Road to serve as natural screening for those residences on the south side of the road. As the closest residential building in this subdivision to the proposed mausoleum has a setback of over 1,500 feet, this combination of screening efforts will continue to serve to preclude negative effects from the cemetery buildings.

#### **Mitigation of Negative Effects of Mausoleums A1 B1**

The proposed Mausoleums A1 B1 will be consistent with the current uses at the Gate of Heaven Cemetery involving interment operations, ceremonial services, and casual public visitation. The cemetery currently mitigates any negative effects of its operations with extensive screening barriers (berms, plantings, walls, landscaping features, natural wooded corridors, etc.), two limited public access driveways with security gates on Montgomery Road, limited daily hours for public access, extensive paved drive lanes within the facility, and proper signage and parking areas within the facility. The cemetery has professional management staff and operations personnel working full-time in both the on-site office building and operations building.

Section 151.2007(E) of the City Code gives the specific supplemental regulations for conditional use approvals for cemeteries. The proposed mausoleums are compliant with these requirements, since the building height is approximately 16.5 feet and the closest property line setback will be 243 feet (from the front property line at Montgomery Road). The supplemental regulations limit building height to 45 feet maximum and setbacks to 50 feet minimum. This information is delineated on the Development Plan in Attachment B.

The proposed mausoleums and their operation will be appropriate in appearance and will not change the character of the vicinity, nor be detrimental to property values or adversely affect existing uses of adjacent property owners. The existing facility access driveways, drive lanes, parking areas, landscape screening barriers, site utilities, and hours of operation will continue to be utilized for the operation of the proposed mausoleums. The proposed mausoleums are not anticipated to increase traffic levels above current rates, will not impede the development of surrounding properties, and will not create additional public cost burdens or other future hardships.

**Closing Remarks**

Terracon appreciates the opportunity to submit this Conditional Use Request on behalf of the Archdiocese of Cincinnati for Gate of Heaven Mausoleums A1 B1. Please contact us at (513) 472-7028 or email to [John.Hattersley@terracon.com](mailto:John.Hattersley@terracon.com) if any questions.

Sincerely,  
**Terracon Consultants, Inc.**

John L. Hattersley, P.E.  
Senior Engineer

Jeffrey D. Dunlap, P.E.  
Senior Associate

**Attachments: Attachment A – Facility Property Deeds**

**Attachment B – Final Development Plan**

## **Attachment A**

### **Facility Property Deeds**

Arthur J. Downey  
ARTHUR J. DOWNEY,  
Notary Public,  
Hamilton County, Ohio.



REC. FOR RECORD 10-28-1939 No. 28 AT 11:22 A.M.  
LEO. H. BECKMAN, RECORDER, HAMILTON COUNTY, O.

FORM 522 M. & O. 7-6 Tuttle Law Print, Publishers, Rutland, Vt.

Gen. Ind. Ser. Gk. 9 P. 478

# Know all Men by these Presents

That MATTHIAS F. HEYKER, unmarried, of 29 East Eighth Street, Cincinnati, Hamilton County, Ohio, DONOR and GRANTOR herein, in Consideration of the promise of JOHN T. McNICHOLAS, Archbishop of Cincinnati, of 29 East Eighth Street, Cincinnati, Hamilton County, Ohio, DONEE and GRANTEE herein, that he and his successors in office as such Archbishop, will hold the property, herein conveyed, under the Trusts and subject to the Powers hereinafter set out; and in further consideration of the sum of ONE (\$1.00) DOLLAR, and other valuable considerations, to him paid by said John T. McNicholas, Archbishop of Cincinnati, the Receipt of which is hereby acknowledged, does hereby GIVE, GRANT, TRANSFER and CONVEY to the said John T. McNicholas, Archbishop of Cincinnati, and to his successors in office as such Archbishop, his and their heirs and assigns forever, all his right, title, estate and interest in and to the following described parcels of land,-

**PARCEL ONE:** Situate in Section 36, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Beginning in the Southeast corner of said Section; thence N. 1° W. on the East line of said Section 60 poles; thence W. 113 poles; thence S. 1° 40' E. 83 poles to the South line of the Section; thence N. 89° E. on said line 111.5 poles to the place of beginning; containing 57 acres and 28 poles, more or less, and subject to all legal highways. Being the same premises conveyed to The Seton Realty Company by Christian Grassman and wife by Deed, bearing date April 15, 1929, and recorded in Deed Book 1491, page 478, Land Records of Hamilton County, Ohio.

**PARCEL ONE:** Situate in Section 35, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Beginning at the Northeast corner of said Section 35; thence S. 0° 12' W. with the East line of said Section 10.885 chains; thence S. 89° 20' W. end parallel to the North line of said Section, 14.70 chains; thence N. 12° E. and parallel to the East line of said Section, 10.685 chains to the North line of said Section; thence N. 89° 20' E. with said North line, 14.70 chains to the place of beginning; containing 16 acres and being subject to all legal highways. Being the same premises conveyed to The Seton Realty Company by Luna Garten and husband by Deed, bearing date March 20, 1929, and recorded in Deed Book 1489, page 267, Land Records of Hamilton County, Ohio.

**PARCEL THREE:** Situate in Section 36, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Beginning at a point in the South line of said Section, 30 chains East of the Southwest corner of the same and at the Southeast corner of Neufarth's 5 acre tract; thence North parallel with the West line of said Section, 20 chains to the South line of Harper's other land; thence East parallel with the South line of said Section, 20 chains to Grassmann's West line; thence South on Grassmann's line 20 chains to the South line of the Section; thence West on the Section line to the place of beginning, containing 40 acres.

**PARCEL FOUR:** Situate in Section 36, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Beginning at a point in the West line of the foregoing described 40 acre tract 5 chains North of the Section line being the Northeast corner of Neufarth's 5 acre tract; thence North on the West line of said 40 acre tract to the Northwest corner of the same 15 chains; thence West about 5 chains to the Southwest corner of Kaiser's 2 acre tract; thence North on Kaiser's West line about 4 chains, more or less, to the center of the Montgomery Pike; thence South in the center of said Pike to the East line of Groom's land and of the Samuel Arbuckle Estate; thence South on Groom's line to the Northwest corner of Neufarth's 5 acre tract about 12.64 chains; thence East on the North side of said 5 acre tract 10 chains to the place of beginning; containing 15 acres, more or less.

**PARCEL FIVE:** Situate in Section 35, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, adjoining on the South the said 40 acre tract, PARCEL THREE above described, and bounded and described as follows: Beginning at a point in the North line of said Section 14.70 chains West from the Northeast corner of the same at the Northwest corner of Glancy's land; thence South on Glancy's line 20.36 chains to Meier's North line; thence West on Meier's line 24.20 chains to Neufarth's East line; thence North on Neufarth's line 20.36 chains to the Section line; thence East on the Section line 24.20 chains to the beginning; containing 50 acres of land and subject to all legal highways.

The said PARCELS THREE, FOUR and FIVE are the same premises conveyed to The Seton Realty Company by Frank Heringer, a widower, by Deed, bearing date September 26, 1929, and recorded in Deed Book 1508, page 537, Land Records of Hamilton County, Ohio.



**PARCEL SIX:** Situate in Section 35, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Being the West half of the Northwest quarter of Section 35, Township 5, Entire Range 1, of the Miami Purchase; being the same property devised to Robert Botkin by Richard Botkin by Will, bearing date March 27, 1848, and recorded in Will Book 14, page 406, Probate Court, Hamilton County, Ohio, and containing 80 acres of land, more or less, as more fully shown by Plat of Survey made by John S. Hosbrook, County Surveyor, on October 3, 1854. Excepting, however, from the said 80 acre tract a small triangular strip, containing approximately 3 acres, and lying on the Northwesterly side of Montgomery Pike.

**PARCEL SEVEN:** Situate in Section 35, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Being the Southeast quarter of the Northwest quarter of said Section 35, Township 5, Entire Range 1, of the Miami Purchase; being the same property devised to Robert Botkin by Richard Botkin by Will, bearing date March 27, 1848, and recorded in Will Book 14, page 406, Probate Court, Hamilton County, Ohio, and containing 40 acres of land, more or less.

The said PARCELS SIX and SEVEN comprise all of the property formerly owned by Mary Alice Gribben Vogel, to the South and East of Montgomery Road, and being approximately 117 acres, in all; subject to an Easement for the uses of a road or private driveway for John Shobert's farm, and for the use of the Public, granted by Charles H. Linke and Hannah Linke, his wife, to Simon Cochran by Deed, bearing date March 20, 1862, and recorded in Deed Book 317, page 495, Land Records of Hamilton County, Ohio. The said PARCELS SIX and SEVEN are the same premises conveyed to The Seton Realty Company by Mary Alice Gribben Vogel by Deed, dated September 26, 1929, and recorded in Deed Book 1510, page 192, Land Records of Hamilton County, Ohio. The privilege, reserved in said Deed to said Mary Alice Gribben Vogel, to remove from the premises, prior to March 1, 1930, her residence, she has already exercised and completed.

**PARCEL EIGHT:** Situate in Section 35, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: The South one-half ( $\frac{1}{2}$ ) of the 100 acre tract, beginning at the Southwest corner of a 60 acre tract of land off the East side of the Northeast quarter of said Section 35; thence North along the West line of said 60 acre tract to the North boundary line of said Section; thence Westwardly with said Section line to Richard Botkin's Northeast corner; thence South with said Botkin's line to the middle of the Section; thence Eastwardly to the place of beginning; being the 50 acres of land, strict measure, conveyed to John Meiers by John J. Meyer, Guardian of the person and estate of August Linke, by Deed, dated May 31, 1894, and recorded in Deed Book 771, page 280, Land Records of Hamilton County, Ohio; and being the same premises conveyed by the heirs of John Meiers, deceased, to The Seton Realty Company, by Deed, dated June 11, 1929, and recorded in Deed Book 1498, page 544, Land Records of Hamilton County, Ohio.

**PARCEL NINE:** Situate in Section 36, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Beginning at a point in the South line of said Section 36 at the intersection of the center line of Montgomery Pike; said point being 456.06 feet East of the Southwest corner of said Section 36; thence N. 37° 30' E. along the center line of Montgomery Pike, 564.43 feet; thence leaving the center line of said Pike S. 52° 30' E. 250.47 feet; thence N. 37° 30' E. parallel to the center line of said Pike 200 feet; thence N. 52° 30' W. 250.47 feet to the center line of Montgomery Pike; thence N. 37° 30' E. along the center line of said Pike 696.29 feet; thence S. 1° 01' W. 1160.32 feet to the South line of said Section 36; thence N. 89° 55' W. along said Section line 868.56 feet to the place of beginning; containing 10.417 acres. Subject to all legal highways. Being the same premises conveyed to The Seton Realty Company by Emma Grooms and husband by Deed, bearing date May 17, 1929, and recorded in Deed Book 1496, page 161, Land Records of Hamilton County, Ohio.

**PARCEL TEN:** Situate in Section 5, Township 4, Entire Range 1, of the Miami Purchase in Sycamore Township, Hamilton County, Ohio, and bounded and described as follows: Beginning at a point in the East line of said Section 5, at the intersection of the center line of Montgomery Pike, said point being 599.94 feet South of the Northeast corner of said Section 5; thence S. 1° 00' W. along the East line of said Section, 1096.35 feet; thence N. 55° 50' 30" W. 644.66 feet to the center line of Montgomery Pike; thence N. 36° 58' E. along said center line 918.94 feet to the place of beginning; containing 6.792 acres and subject to all legal highways. Being the same premises conveyed to The Seton Realty Company by Rosa Eisele and Andreas Eisele, her husband, by Deed, bearing date May 17, 1929, and recorded in Deed Book 1496, page 162, Land Records of Hamilton County, Ohio.

**PARCEL ELEVEN:** Situate in Section 36, Township 5, Entire Range 1, of the Miami Purchase in Symmes Township, Hamilton County, Ohio, and bounded and described as follows: Beginning at a point in the East line of said Section 1345.70 feet North of the Southeast corner of said Section; thence North 54' East along the East line of said Section 1885.22 feet to a point from which a walnut tree 8 inches in diameter bears East 6.30 feet; thence South 89° 45' West along the South line of the property of Henry Seigla 701.20 feet to a post; thence South 1° 36' West 1628 feet along the East line of the premises of John A. Vogel, Jr., and to the center of the Symmes Town Road; thence North 53° 7' West along the center of said road 321 feet to an angle in said road; thence North 36° 32' West along the center of said road 1148.20 feet; thence South 58' West along the line of Hamlin Harper, now occupied by a fence 1364.10 feet to a point from which a leaning stone bears 2 feet North and 8 inches West; said point being the North line of Christian Grassmann's land; thence South 89° 48' East along said Grassmann's North line 1680.36 feet to the place of beginning; containing 47.37 acres.

So much of the above described land as lies within the Symmes Town Road is subject to the right of the Public to use the same for road purposes.

Being the same premises covered by Certificate of Title No. 2965, issued to The Seton Realty Company on May 6, 1929, and entered in Book 12, page 2965, of the Land Title Registers of Hamilton County, Ohio; and, thereafter, by Certificate of Title No. 4544, issued to Susanna W. Hinkle on February 10, 1933, and entered in Book 2, page 360, of Land Title Registers of Hamilton County, Ohio; and now held by Grantor, Matthias F. Heyker, by Registered Document No. 33516, dated October 4, 1939, subject to a perpetual leasehold, with privilege of purchase, of John T. McNicholas, Arch-

Also, said Grantor, Matthias F. Heyker, now holds the title in fee to all of the foregoing PARCELS ONE through TEN, subject to the said perpetual leasehold, with privilege of purchase, of said John T. McNicholas, Archbishop of Cincinnati, as Trustee, by virtue of Deed to him from said Susanna W. Hinkle, dated September 30, 1939, and recorded in Deed Book 1839, page 465, Land Records of Hamilton County, Ohio.

And the said John T. McNicholas, Archbishop of Cincinnati, and his successors in office as such Archbishop, his and their heirs and assigns, are forever TO HAVE and TO HOLD said premises, and all the ESTATE, TITLE and INTEREST of the said Matthias F. Heyker in the foregoing parcels of land, and all the privileges and appurtenances thereunto belonging, and all rents, issues and profits arising therefrom, in Trust, under the rules, regulations, canons and discipline of the Roman Catholic Church, primarily, for cemetery purposes, and for establishing and maintaining a place of burial and sepulture in accordance with the rites and practices of the Roman Catholic Church.

In the event that, at any time in the future, said primary purpose of this Trust should wholly fail, or be wholly abandoned, or in the further event that the said John T. McNicholas, Archbishop of Cincinnati, or any successor to him as such Archbishop, should determine that any part of the aforesaid real estate, or any part of the rents, issues and profits arising therefrom, is not needed for the primary purpose above set out, then said John T. McNicholas, Archbishop of Cincinnati, and his successors as such Archbishop, his and their heirs, successors and assigns, are to have and to hold all of said real estate in case of the failure or abandonment of said primary purpose, or such part of said real estate or of its rents, issues and profits, as said Archbishop or his successors as aforesaid shall determine to be not needed for said primary purpose, in Trust for such other diocesan, charitable, religious and educational purpose or purposes, to be administered under the rules, regulations, canons and discipline of the Roman Catholic Church, as said John T. McNicholas, Archbishop of Cincinnati, or any successor to him as such Archbishop, may direct and designate by written instrument.

And whenever, at any time hereafter, in the judgment of said John T. McNicholas, Archbishop of Cincinnati, or of any of his successors as such Archbishop, said judgment being exercised in accordance with the rules, regulations, canons and discipline of the Roman Catholic Church, it may become necessary for the benefit of, and/or for the better accomplishment of, any of the Trusts created hereunder, to sell, mortgage, lease or encumber said real estate or a part thereof, then full complete and unconditioned power is hereby conferred by said Matthias F. Heyker, Donor and Grantor herein, upon said John T. McNicholas, Archbishop of Cincinnati, and upon every successor to him as such Archbishop, to make any such sale, mortgage, lease or encumbrance; and that without resorting to any Court for authority so to do. The terms of any such sale, mortgage, lease or encumbrance are to be within the discretion of said Archbishop or of his successors so making the same, said discretion to be exercised in accordance with said rules, regulations, canons and discipline of the Roman Catholic Church. All proceeds of any such sale, mortgage, lease or encumbrance, and any property in which such proceeds, or any part thereof, may be invested, shall be subject to the same Trusts that are imposed herein upon, and to the same powers of sale, mortgage, lease and encumbrance that are herein conferred with reference to, the real estate hereinabove described.

All deeds, mortgages, leases and encumbrances which recite that they are made by said John T. McNicholas, Archbishop of Cincinnati, or by any successor to him as such Archbishop, in pursuance of the said powers herein conferred, shall be deemed to convey unimpeachable titles to grantees, lessees, and mortgagees, and shall be absolutely valid and binding against and upon the cestuis que trustent under this Deed; and all persons dealing under said powers with said John T. McNicholas, Archbishop of Cincinnati, or with any successor to him as such Archbishop, are hereby forever relieved and released, first, from looking or inquiring into the soundness, legality or validity of the judgment or discretion exercised by said John T. McNicholas, Archbishop of Cincinnati, or by any successor to him as such Archbishop, in making any sale,

mortgage, lease or encumbrance, authorized herein, or in prescribing the terms thereof; and, secondly, from looking to the application of purchase, mortgage, rent or other monies arising from the exercise by said Archbishop, or by any successor to him as such Archbishop, of the powers herein conferred.

This Deed and Conveyance are made in consummation of the privilege of purchase of said John T. McNicholas, Archbishop of Cincinnati, as Trustee, under Indenture of Lease, dated September 26, 1929, and recorded in Lease Book 220, page 467, Land Records of Hamilton County, Ohio.

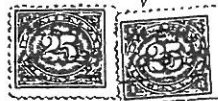
And, Matthias F. Heyker, Donor and Grantor herein, in order to make full assurance of the title to the premises herein conveyed and transferred, does hereby covenant with the said John T. McNicholas, Archbishop of Cincinnati, and with his successors in office as such Archbishop, his and their heirs and assigns, that he is the true and lawful owner of the premises herein transferred and conveyed; that he has full power to convey the same; that the title herein conveyed by him is Clear, Free and Unincumbered; and further, that he does WARRANT and WILL DEFEND the same against all claim or claims of all persons whomsoever, claiming by, through, from or under him, or any act or deed of his; save and except the terms and conditions of said perpetual leasehold, with privilege of purchase; and also excepting the taxes and assessments which may be a lien on said real estate, they being the obligation of the Grantee, his successors, heirs and assigns.

IN WITNESS WHEREOF, the said MATTHIAS F. HEYKER, unmarried, Donor and Grantor herein, has hereunto set his hand, at Cincinnati, this 3rd day of October, 1939.

Signed and acknowledged in the presence of:

*Matthias F. Heyker*  
*John T. McNicholas*  
*John K. ...*  
*George ...*

TRANSFERRED  
OCT 23 1939



BE IT REMEMBERED That on the 3rd day of October, 1939, before me, the subscriber, a Notary Public in and for said County and State, personally came MATTHIAS F. HEYKER, unmarried, the Donor and Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day and year last aforesaid.

*John K. Mussio*  
JOHN K. MUSSIO  
Notary Public in and for Hamilton County, Ohio.  
My Commission Expires Sept. 6, 1942

REC. FOR RECORD No. 78 AT 3:01 PM  
OCTOBER 23 - 1939  
LEO. H. BECKMAN RECORDER, HAMILTON COUNTY, O.

Gen. Ind. Oth Sor. Bk. *S. 1 P. 434* OCT-23-39 113454 —Dk— 110  
**Know All Men by These Presents:**

That Mary G. Hayes, unmarried  
*in consideration of*  
One (\$1.00) dollar and other good and valuable considerations

to her *paid by* William A. Geisel and Mildred Geisel, husband and wife

*the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to the said*  
William A. Geisel and Mildred Geisel, their

*heirs and assigns forever*

The following described real estate, to-wit:

Situated in the City of Cincinnati (in the former Village of Carthage), Hamilton County, Ohio, to-wit:

Being parts of lots number 271, 272, 273 and 274 of Lee, Wilson, and Bullock's Addition to Carthage, a plat of which is recorded in Plat Book 1, page 26 in the office of the Recorder of Hamilton County, Ohio, and more particularly described as follows:

Beginning at a point in the west line of Fairpark Avenue, thirty five (35) feet southwardly from the northeast corner of said lot number 274; thence southwardly along the west line of Fairpark Avenue, thirty five (35) feet to a point; thence westwardly along a line parallel with the north line of Sixty-eighth Street and seventy (70) feet distant therefrom, for a distance of one hundred (100) feet to a point in the west line of said Lot No. 271; thence northwardly with the west line of said Lot No. 271, thirty five (35) feet to a point, said point being thirty five (35) feet southwardly from the northwest corner of said Lot No. 271; thence eastwardly parallel with the north line of Sixty-eighth Street, one hundred (100) feet to the west line of Fairpark Avenue and the place of beginning.

Subject to an easement over the rear ten (10) feet of said premises for the purpose of ingress and egress, as set forth in deed recorded in Deed Book 1294, page 470 of said county records.

Being the same premises conveyed to the said Mary G. Hayes by Van W.

1959 PAGE 550  
 TRANSFERRED  
 JUN 4 42  
 GEO. GUCKENBERGER  
 AUDITOR

on the day and year last aforesaid.

*Nicholas Bauer*  
 NICHOLAS BAUER, Notary Public  
 My commission expires Sept. 22, 1942

*Deed*  
 REG. FOR RECORD *6/14/42* No. *73* AT *2:56 PM*  
 GEORGE E. KEARNS, RECORDER, HAMILTON COUNTY, OHIO *B*

FORM 535  
 SAN. IND. 8th Ser. No. *9* JUN-5-42 2 4 2 5 66  
 TUTBLANK REGISTERED U.S. PAT. OFFICE  
 Type Law Print Publishers, Pullman, W. Va.

# Know all Men by these Presents

That JOHN K. MUSSIO, unmarried, of Cincinnati, Hamilton County, Ohio, donor and grantor herein, in consideration of the promise of John T. McNicholas, Archbishop of Cincinnati, donee and grantee herein, that he and his successors in office as such Archbishop, will hold the property, herein conveyed, under the Trusts and subject to the Powers hereinafter set out; and in further consideration of the sum of ONE (\$1.00) DOLLAR, and other valuable considerations, to him paid by said John T. McNicholas, Archbishop of Cincinnati, the Receipt of which is hereby acknowledged, does hereby GIVE, GRANT, TRANSFER and CONVEY to the said John T. McNicholas, Archbishop of Cincinnati and to his successors in office as such Archbishop, his and their heirs and assigns forever, the following described real estate,-

Situated in Section 35, Town 5, Entire Range 1, of the Miami Purchase, Symmes Township, Hamilton County, Ohio, and being forty (40) acres of land in a square in the Northeast quarter of the Northwest quarter of said section.

ALSO, strip of land for a road or right-of-way beginning at the Northwest corner of said forty (40) acre tract; thence South fifteen (15) feet; thence West parallel to the section line to the center of Montgomery Pike; thence Northeast to the section line; thence East on section line to the beginning, containing one-third (1/3) of an acre.

ALSO, tract of five (5) acres in Section 36, adjoining said forty (40) acres, beginning at a point in the South line of said section, eighty (80) rods East of the West line of the same, at the Southeast corner of the Arbutle land; thence on the section line North eighty-nine (89°) degrees East forty (40) rods; thence North thirty (30') minutes East twenty (20) rods; thence South eighty-nine (89°) degrees West forty (40) rods to the Arbutle line; thence South thirty (30') minutes West to the beginning; containing five (5) acres.

Being the same premises conveyed to John K. Mussio by deed recorded in Deed Book 1958, page 407, Land Records, Hamilton County, Ohio.

And the said John T. McNicholas, Archbishop of Cincinnati, and his successors in office as such Archbishop, his and their heirs and assigns, are forever TO HAVE and TO HOLD said premises, and all the ESTATE, TITLE and INTEREST of the said John K. Mussio in the foregoing parcels of land, and all the privileges and appurtenances thereunto belonging, and all rents, issues and profits arising therefrom, in Trust, under the rules, regulations, canons and discipline of the Roman Catholic Church, primarily, for cemetery purposes, and for establishing and maintaining a place of burial and sepulture in accordance with the rites and practices of the Roman Catholic Church.

In the event that, at any time in the future, said primary purpose of this Trust should wholly fail, or be wholly abandoned, or in the further event that the said John T. McNicholas, Archbishop of Cincinnati, or any successor to him as such Archbishop, should determine that any part of the aforesaid real estate, or any part of the rents, issues and profits arising therefrom, is not needed for the primary purpose above set out, then said John T. McNicholas, Archbishop of Cincinnati, and his succes-

sors as such Archbishop, his and their heirs, successors and assigns, are to have and to hold all of said real estate in case of the failure or abandonment of said primary purpose, or such part of said real estate or of its rents, issues and profits, as said Archbishop or his successors as aforesaid shall determine to be not needed for said primary purpose, in Trust for such other diocesan, charitable, religious and educational purpose or purposes, to be administered under the rules, regulations, canons and discipline of the Roman Catholic Church, as said John T. McNicholas, Archbishop of Cincinnati, or any successor to him as such Archbishop, may direct and designate by written instrument.

And whenever, at any time hereafter, in the judgment of said John T. McNicholas, Archbishop of Cincinnati, or of any of his successors as such Archbishop, said judgment being exercised in accordance with the rules, regulations, canons and discipline of the Roman Catholic Church, it may become necessary for the benefit of, and/or for the better accomplishment of, any of the Trusts created hereunder, to sell, mortgage, lease or encumber said real estate or a part thereof, then full, complete and unconditioned power is hereby conferred by said John K. Mussio, Donor and Grantor herein, upon said John T. McNicholas, Archbishop of Cincinnati, and upon every successor to him as such Archbishop, to make any such sale, mortgage, lease or encumbrance; and that without resorting to any Court for authority so to do. The terms of any such sale, mortgage, lease or encumbrance are to be within the discretion of said Archbishop or of his successors so making the same, said discretion to be exercised in accordance with said rules, regulations, canons and discipline of the Roman Catholic Church. All proceeds of any such sale, mortgage, lease or encumbrance, and any property in which such proceeds, or any part thereof, may be invested, shall be subject to the same Trusts that are imposed herein upon, and to the same powers of sale, mortgage, lease and encumbrance, that are herein conferred with reference to, the real estate hereinabove described.

All deeds, mortgages, leases and encumbrances which recite that they are made by said John T. McNicholas, Archbishop of Cincinnati, or by any successor to him as such Archbishop, in pursuance of the said powers herein conferred, shall be deemed to convey unimpeachable titles to grantees, lessees, and mortgagees, and shall be absolutely valid and binding against and upon the cestuis que trustent under this Deed; and all persons dealing under said powers with said John T. McNicholas, Archbishop of Cincinnati, or with any successor to him as such Archbishop, are hereby forever relieved and released, first, from looking or inquiring into the soundness, legality or validity of the judgment or discretion exercised by said John T. McNicholas, Archbishop of Cincinnati, or by any successor to him as such Archbishop, in making any sale, mortgage, lease or encumbrance, authorized herein, or in prescribing the terms thereof; and, secondly, from looking to the application of purchase, mortgage, rent or other monies arising from the exercise by said Archbishop, or by any successor to him as

such Archbishop, of the powers herein conferred.

And, said John K. Mussio, donor and grantor herein, in order to make full assurance of the title to the premises herein conveyed and transferred, does hereby covenant with the said John T. McNicholas, Archbishop of Cincinnati, and with his successors in office as such Archbishop, his and their heirs and assigns, that he is the true and lawful owner of the premises herein transferred and conveyed; that he has full power to convey the same; that the title herein conveyed by him is Clear, Free and Unincumbered from and by any act and deed of his; and further that he, said grantor and donor, will

1959 PAGE 552

warrant and defend the aforesaid premises against any and all claims of all persons whomsoever, claiming by, through, from or under him, or any act or deed of his; save and except taxes now due and payable and those to become due, which Grantee herein assumes and agrees to pay.

IN WITNESS WHEREOF, the said JOHN K. MUSSIO, unmarried, donor and grantor herein, has hereunto set his hand, this 29th day of May, 1942.

Signed and acknowledged in the presence of:

*Henry J. Vogelbein*  
*Leiter M. Mohlman*

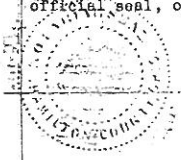
*John K. Mussio*



STATE OF OHIO, )  
                  : SS.  
HAMILTON COUNTY. )

BE IT REMEMBERED That on the 29th day of May, 1942, before me, the subscriber, a Notary Public, in and for said County and State, personally came JOHN K. MUSSIO, unmarried, the Donor and Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.



TRANSFERRED  
JUN 24 42  
GEO. GUMPERT

*John C. Deepset*  
JOHN C. DEEPCSET  
Notary Public, Hamilton County, Ohio.  
REG FOR RECORD 6/15/42 No. 18 AT 11:30am  
GEORGE E. KEARNS, RECORDER, HAMILTON COUNTY, OHIO

WARRANTY DEED  
With Dower—Copyrighted.

The W. H. Anderson Co., Law Book Publisher, Cincinnati, O.

Gen. Ind. Ath. Ser. 45 P 136 JUN-5-42 242572 1st Eds -

# Know all Men by these Presents:

That Fannie Wells Scott, formerly Fannie Walls and since inter-married with Captain P. Scott,

in consideration of One Dollar (\$1.00) and other good and valuable consideration,

to her paid by Defense Plant Corporation, a corporation created by Reconstruction Finance Corporation pursuant to Section 5(d) of the Reconstruction Finance Corporation Act, as amended, grantee,

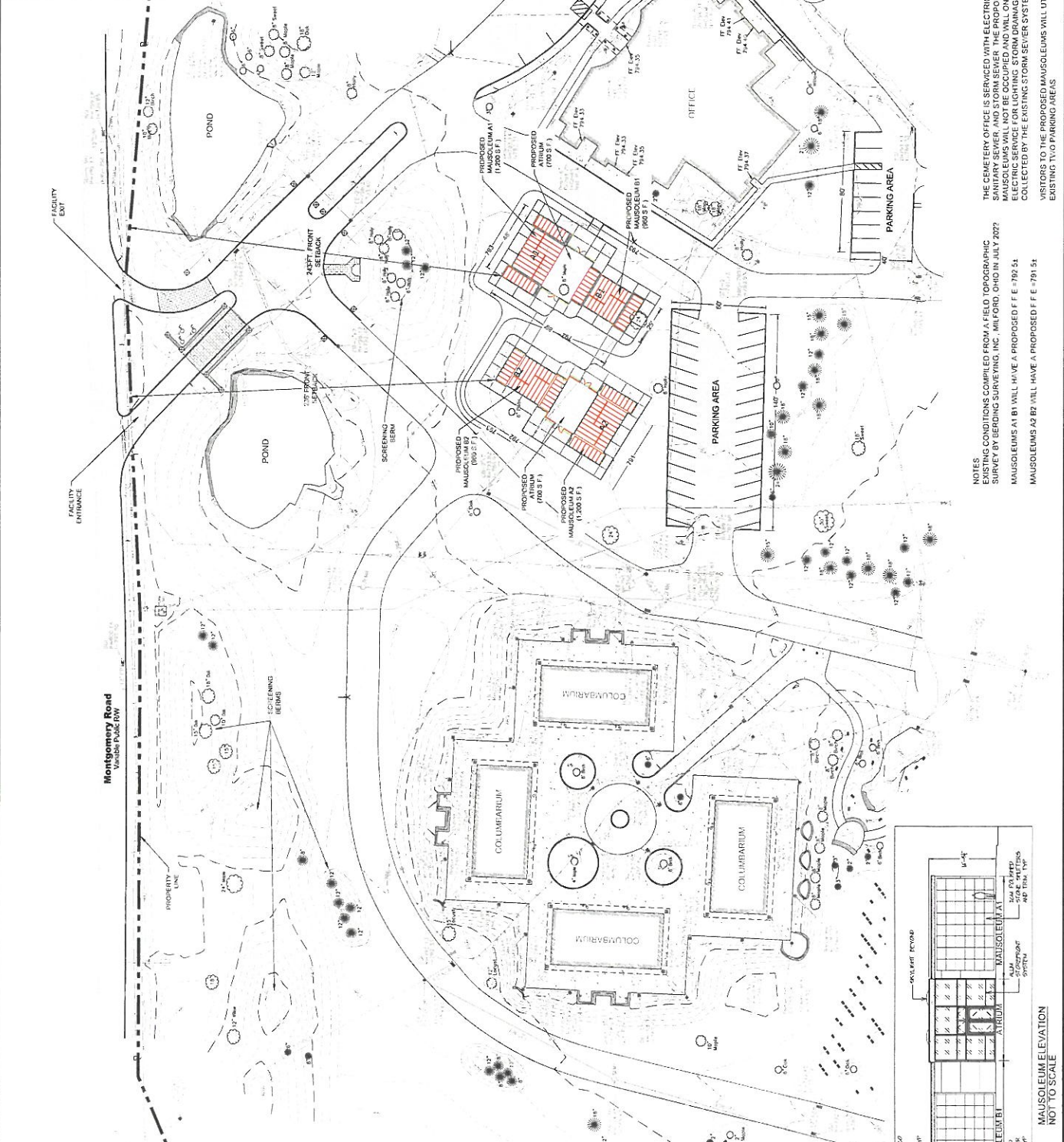
the receipt whereof is hereby acknowledged, do es hereby Grant, Bargain, Sell and Convey to the said grantee,

its successors ~~to~~ and assigns forever:

The following described real estate, to wit:

Situate in Section thirty-three (33), Sycamore Township, Hamilton County, Ohio, and being known, numbered and designated as Lot 129 and the south one-half of Lot 130 of the VALLEY VIEW SUBDIVISION, made by D. D. and E. H. Rempe, as per plat thereof recorded in Plat Book No. 28, page 37, of the Hamilton County, Ohio, Records.

**Attachment B**  
**Final Development Plan**

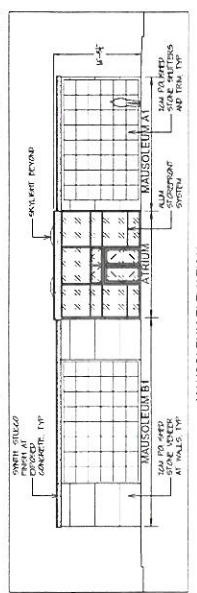


NOTES:  
 THE CEMETERY OFFICE IS SERVICED WITH ELECTRIC, WATER, SANITARY SEWER, AND STORM SEWER. THE PROPOSED MAUSOLEUMS WILL REQUIRE ELECTRICAL SERVICE FOR LIGHTING. STORM DAMAGE SHALL BE COLLECTED BY THE EXISTING STORM SEWER SYSTEM.  
 VISITORS TO THE PROPOSED MAUSOLEUMS WILL UTILIZE THE EXISTING TWO PARKING AREAS.

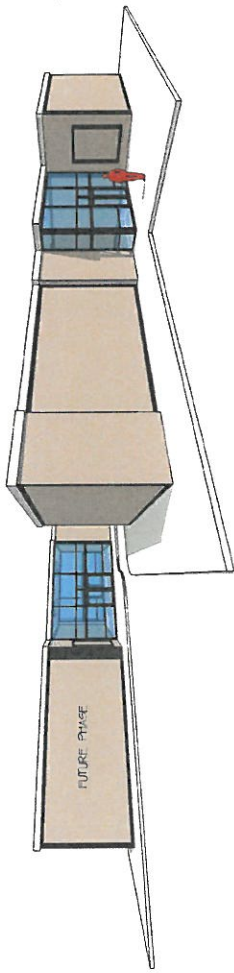
EXISTING CONDITIONS COMPILED FROM A FIELD TOPOGRAPHIC SURVEY BY BERDING SURVEYING, INC., MILFORD, OH, IN JULY 2022.  
 MAUSOLEUMS A1 & B1 WILL HAVE A PROPOSED F.F.E. OF 7192.54.  
 MAUSOLEUMS A2 & B2 WILL HAVE A PROPOSED F.F.E. OF 7191.54.

**LEGEND**

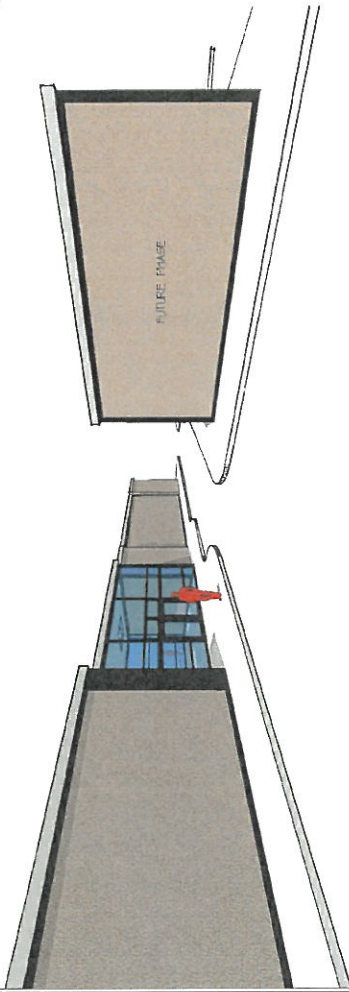
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[Symbol]	LIGHT POLE	[Symbol]	ASPHALT
[Symbol]	ELECTRIC BOX	[Symbol]	PAVERS
[Symbol]	PILE ANCHOR	[Symbol]	
[Symbol]	FIRE HYDRANT	[Symbol]	
[Symbol]	WATER VALVE MANHOLE	[Symbol]	
[Symbol]	POT INDICATOR VALVE	[Symbol]	
[Symbol]	WATER VALVE	[Symbol]	
[Symbol]	SPRINKLER VALVE	[Symbol]	
[Symbol]	STORM MANHOLE	[Symbol]	
[Symbol]	SINGLE GRATE INLET	[Symbol]	
[Symbol]	CATCH BASIN	[Symbol]	
[Symbol]	WATER MAIN INLET	[Symbol]	
[Symbol]	DOWNSPOUT	[Symbol]	
[Symbol]	FLAG POLE	[Symbol]	
[Symbol]	COLUMN	[Symbol]	
[Symbol]	HEADSTONE	[Symbol]	
[Symbol]	POST	[Symbol]	
[Symbol]	WARD LIGHT	[Symbol]	
[Symbol]	SIGN	[Symbol]	
[Symbol]	DECIDUOUS TREE	[Symbol]	
[Symbol]	CONIFER TREE	[Symbol]	
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[Symbol]	INDEX CONTOUR	[Symbol]	
[Symbol]	INTERMEDIATE CONTOUR	[Symbol]	
[Symbol]	PROPERTY BOUNDARY	[Symbol]	
[Symbol]	EXISTING BUILDING	[Symbol]	



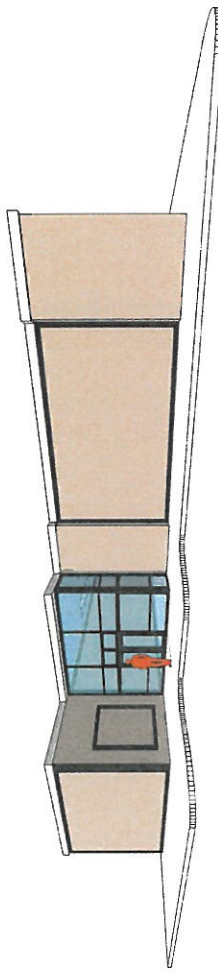




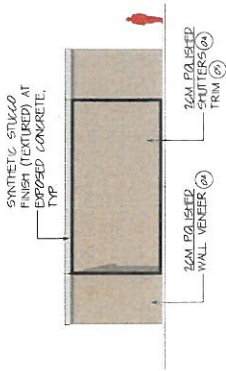
10 Perspective View



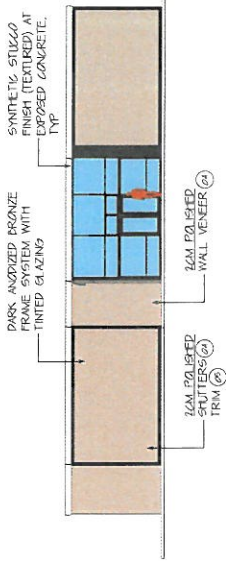
11 Perspective View



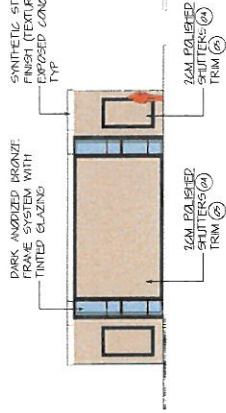
12 Perspective View



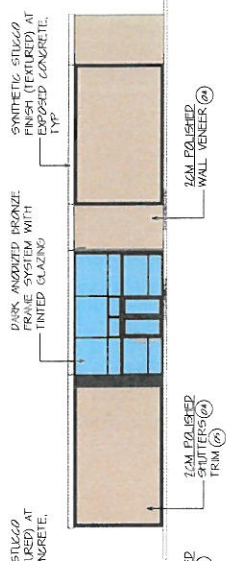
06 Exterior Elevation



07 Exterior Elevation



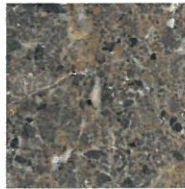
08 Exterior Elevation



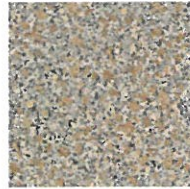
09 Exterior Elevation



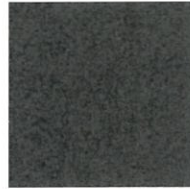
01 Potticino Marble Interior



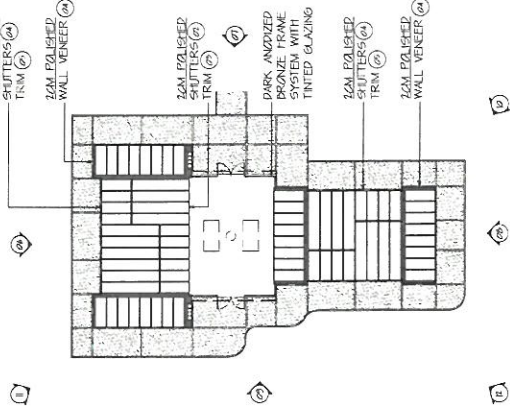
02 Breche Nouvelle Interior



04 Spring Rose Exterior



05 Impala Plack Exterior



01 Reference Plan

**From:** [Hattersley, John L](#)  
**To:** [Kevin Chesar](#); [Tom Jordan](#)  
**Subject:** RE: UPDATE - RE: Gate Of Heaven Cemetery - Proposed Mausoleum Project  
**Date:** Wednesday, August 24, 2022 2:59:55 PM  
**Attachments:** [image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image017.png](#)  
[image018.png](#)  
[image021.png](#)  
[image022.png](#)  
[image023.png](#)  
[image024.png](#)  
[image002.png](#)  
[Mausoleum A1 B1 Elevations with Building Finishes.pdf](#)

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Hello Kevin,

Please find our responses to your questions in blue below:

Let us know of any additional questions or concerns, thanks.

**John L. Hattersley, P.E.**  
Senior Engineer I Geotechnical Department



611 Lunken Park Drive I Cincinnati, Ohio 45226  
D (513) 472-7028 I F (513) 321-0294 I M (513) 522-1594  
[john.hattersley@terracon.com](mailto:john.hattersley@terracon.com) I [Terracon.com](http://Terracon.com)

**From:** Kevin Chesar <kchesar@montgomeryohio.org>  
**Sent:** Tuesday, August 23, 2022 4:21 PM  
**To:** Hattersley, John L <John.Hattersley@terracon.com>; Tom Jordan <tjordan@gateofheaven.org>  
**Subject:** UPDATE - RE: Gate Of Heaven Cemetery - Proposed Mausoleum Project

Hi John/Tom,

Thank you for the follow up on the elevation information. I have a few more questions/items below that I hope can be addressed:

- Do you happen to have additional design documents that show all sides/elevations, etc. I have the Project Description/Preliminary Specifications from Tom some time ago. Are those descriptions still the same that I could utilize to supplement the application?

See attached color drawing with the mausoleum elevations and building finishes. The building's proposed polished wall veneer and shutters compliments the existing wall shutter panels (also polished granite) for the adjoining Garden Crypt Mausoleum buildings situated immediately to the west.

- Essentially, Planning Commission/Council does not directly review the architectural but within the Conditional Use Regulations, they do evaluate the compatibility of the use, etc. As such additional information that can be provided describing the structures would be beneficial. This includes a description about the design materials and colors to be utilized as well as information about whether they compliment current structures based on same design, etc. (if you have a colored elevation that would be wonderful).

Same answer as above.

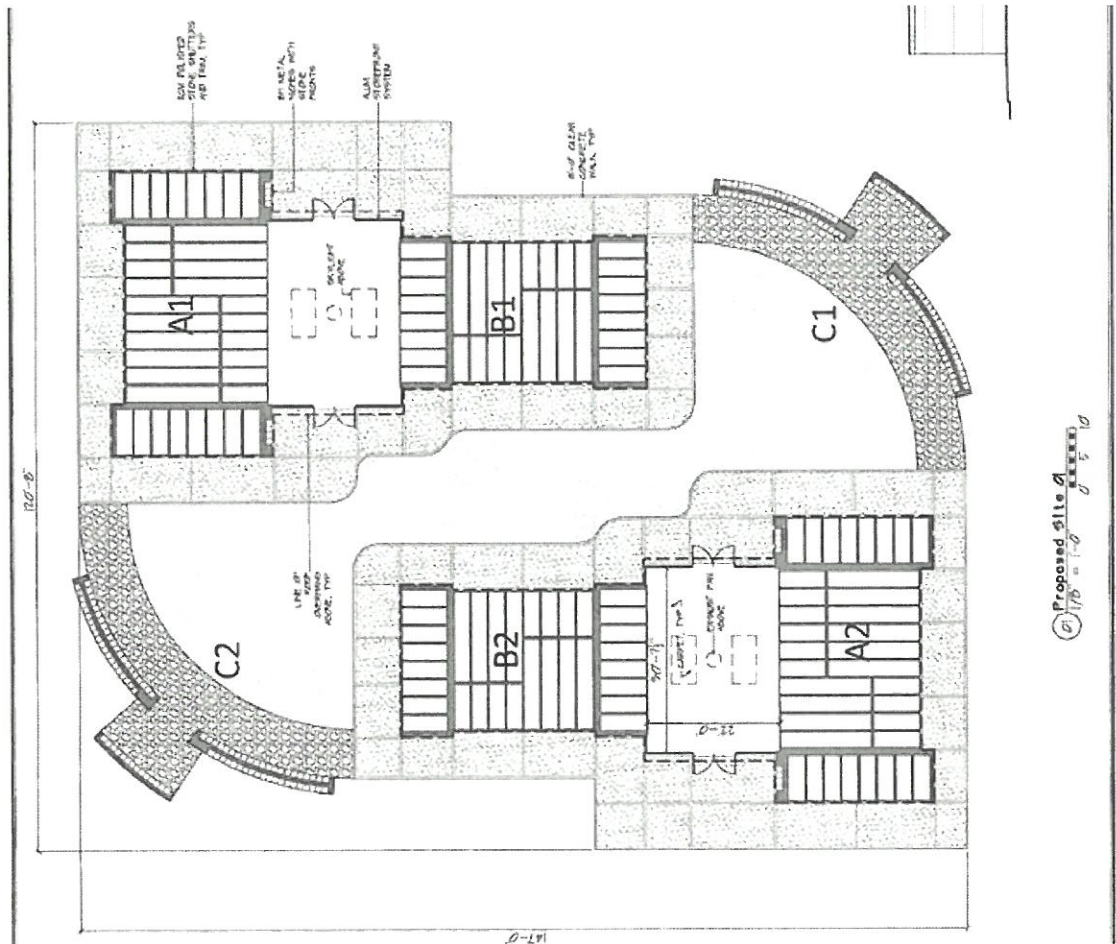
- From a landscaping perspective, if I recall correctly we previously discussed that with the large area of Gate of Heaven/location of the mausoleums and the significant amount of current landscaping, that most likely no further landscaping would be required. However, the conditional use regulations state compliance with landscaping requirements will be met. Can you provide a brief statement regarding the current amount of landscaping within the setback areas as well as a request to not install additional based on what is currently on site (if this is the case)? The request/statement will help so that the Commission does not infer that the application is incomplete and can have an understanding for an approval process perspective to possibly waive or allow flexibility based on current landscaping present.
- Alternatively, I did note that possible landscaping may occur on an older drawing from Tom (see image below). If this is the case it should be described as a part of the above requested statement that some landscaping will be provided. Can the plan identifying the plant types be forwarded if the image below is correct?

The facility currently has at least six undulating screening berms located in the setback area between the proposed mausoleums and the front property line along Montgomery Road. These screening berms contain at least 40 mature tree plantings, as a mixed combination of coniferous and deciduous species. The proposed mausoleums will not change the size or location of the existing screening berms.

The facility plans to install landscape plantings within the lawn area between Mausoleum A1 B1 and Mausoleum A2 B2, as well as in the perimeter lawn areas between the mausoleums and the existing adjoining drive lanes. The plantings will be consistent with these existing species currently established in the cemetery lawns:

- One – Saucer Magnolia
- Two – Sand Cherry
- Eight – Otto Luken Cherry
- Five – Knockout Roses
- Ten – Juddi Viburnum
- Two – Columnar Maples
- 15 – Karen Azaleas
- One – Serviceberry
- One – Dwarf Blue Spruce
- Six – Ninebarks

The total plantings from this list will be doubled if the future phase (Mausoleum A2 B2) is approved.



- I noted that the application states the new structures will fit within storm drainage aspects. Being relatively new to the City, I am not aware of the storm parameters for this site and will forward to our city engineer as a typical part of the review process. We will share any feedback that may require additional information.
- Recently, we have discussed the one-year expiration date for the conditional use plan and that the second phase may not occur for 5 plus years. While it has not been past precedent, the regulations state that Planning Commission can specify a waiver of this time limit. See 150.1609 (B)(3) below. If you would like to request the extension for the time period for the second building, it would be best to request to do so in writing as a part of the application.

Yes, Gate of Heaven is requesting an extension of the one-year expiration date for the second phase (Mausoleum A2 B2) since the second phase is not planned for construction until approximately five years.

**§ 150.1609 TERMS AND DURATION OF CONDITIONAL USE PERMIT.**

*Following Council's confirmation of an application for a conditional use permit, the Zoning Administrator shall issue a conditional use permit.*

*(A) The permit shall authorize a particular conditional use on a specific parcel for which it was approved. The permit shall be valid only for the use and the operation of such use as specified on the permit and may not be transferred by the applicant to any other person or entity without*

written approval of Planning Commission and City Council. The breach of any condition, safeguard or requirement shall constitute a violation of this Zoning Code.

(B) The conditional use permit shall expire one year from the date of enactment unless the following occur:

- (1) The final development plan is approved for uses that require a final development plan;
- (2) Substantial progress in the establishment of the use is accomplished; or
- (3) As otherwise specifically approved by the Planning Commission.

(C) Other than a minor alteration, any expansion, enlargement, or change in the operation of the conditional use that involves enlarging buildings or structures, expanding impervious surfaces including parking areas, or changing the use shall require approval of a separate conditional use permit.

(Ord. 5-2005, passed 3-23-05)

Overall, a follow up statement/addendum regarding the questions above will help to hopefully finalize the application. If possible could you answer the above questions by 3 pm tomorrow and forward?

If you have any questions, please do not hesitate to contact me.

Best Regards,

Kevin

**Kevin Chesar**  
Community Development Director  
City of Montgomery

**From:** Hattersley, John L <[John.Hattersley@terracon.com](mailto:John.Hattersley@terracon.com)>  
**Sent:** Tuesday, August 23, 2022 1:48 PM  
**To:** Kevin Chesar <[kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)>; Tom Jordan <[tjordan@gateofheaven.org](mailto:tjordan@gateofheaven.org)>  
**Subject:** RE: Gate Of Heaven Cemetery - Proposed Mausoleum Project

Hi Kevin,

I just sent you the electronic copy of the permit application and forms in a separate email.

The submitted final development plan does have the elevation view of the mausoleum in the bottom left corner of the drawing.

Let me know if you need anything else, thanks.

John L. Hattersley, P.E.

Senior Engineer | Geotechnical Department



611 Lunken Park Drive | Cincinnati, Ohio 45226  
D (513) 472-7028 | F (513) 321-0294 | M (513) 522-1594  
[john.hattersley@terracon.com](mailto:john.hattersley@terracon.com) | [Terracon.com](http://Terracon.com)

---

**From:** Kevin Chesar <[kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)>  
**Sent:** Tuesday, August 23, 2022 1:44 PM  
**To:** Tom Jordan <[tjordan@gateofheaven.org](mailto:tjordan@gateofheaven.org)>; Hattersley, John L <[John.Hattersley@terracon.com](mailto:John.Hattersley@terracon.com)>  
**Subject:** FW: Gate Of Heaven Cemetery - Proposed Mausoleum Project

Good Afternoon Tom/John,

Thank you for the application materials. John, I believe that you will be following up with the digital files in the near future. I do have a follow up question; do you have elevation drawings of the what the mausoleum crypt buildings will look like?

Also, I have a description that Tom provided early on that if still correct, I would like to add to the application for informational purposes (in addition to any possible elevation plans) to the Planning Commission and eventually Council. If you could respond that the information is still relevant it would be appreciated.

Best Regards,

Kevin

**Kevin Chesar**  
Community Development Director  
City of Montgomery

---

**From:** Tom Jordan <[tjordan@gateofheaven.org](mailto:tjordan@gateofheaven.org)>  
**Sent:** Wednesday, May 18, 2022 1:25 PM  
**To:** Kevin Chesar <[kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)>  
**Subject:** RE: Gate Of Heaven Cemetery - Proposed Mausoleum Project

Hello Kevin,

I've attached a list of specifications, along with two diagrams of the buildings and the entire 1-acre parcel. I assume that it would be best to seek approval from the commission for this and future phases of the depicted parcel. I expect that phase 2 will be at least 5-years out. Is that how you see it?

The mausoleum crypts and niches will be constructed of concrete and granite. There will be a "store-front" glass and metal enclosure between A1 and B1 (in the next phase, the same will be true of A2 and B2)

The square footage of the A1-B1 structures total about 2,780 square feet. (A1 = 1,125ft', B1 = 975ft', enclosure = 677ft')

Ultimately, when necessary, I can bring the builder's engineer into the conversation and/or the

Planning meeting.

Thank you for your assistance,

*Thomas J. Jordan*

Director of Cemeteries at Gate of Heaven and Calvary Cemeteries

Office:



11000 Montgomery Road  
Cincinnati, Ohio 45249  
Phone: (513) 489-0300 ext262

**From:** Kevin Chesar <[kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)>  
**Sent:** Wednesday, May 18, 2022 9:10 AM  
**To:** Tom Jordan <[tjordan@gateofheaven.org](mailto:tjordan@gateofheaven.org)>  
**Subject:** RE: Gate Of Heaven Cemetery - Proposed Mausoleum Project

Good Morning Tom,

Thank you for the update as Melissa forwarded the plans. Most likely it will entail Planning Commission approval and we can help with the process but, it would be helpful to understand the square feet of each structure. Additionally, could you indicate the material types anticipated for construction?

Best Regards,

Kevin



**Kevin Chesar**  
Community Development Director

**City of Montgomery**  
10101 Montgomery Rd.  
Montgomery, OH 45242

☎ 513-792-8329  
✉ [kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)  
🌐 [www.montgomeryohio.gov](http://www.montgomeryohio.gov)



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**From:** Melissa Hays <[mhays@montgomeryohio.org](mailto:mhays@montgomeryohio.org)>  
**Sent:** Tuesday, May 17, 2022 5:02 PM  
**To:** Kevin Chesar <[kchesar@montgomeryohio.org](mailto:kchesar@montgomeryohio.org)>  
**Subject:** FW: Gate Of Heaven Cemetery - Proposed Mausoleum Project

Hi Kevin,

I'm sorry I forgot to touch base with you regarding this mausoleum going in at the Gate of Heaven. We can talk tomorrow about the public hearing process.

Thank you,  
Melissa



**Melissa Hays, AICP**  
Zoning and Code Compliance Officer

City of Montgomery  
10101 Montgomery Rd.  
Montgomery, OH 45242

☎ [513-792-8347](tel:513-792-8347)  
✉ [mhays@montgomeryohio.org](mailto:mhays@montgomeryohio.org)  
🌐 [www.montgomeryohio.gov](http://www.montgomeryohio.gov)



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**From:** Tom Jordan <[tjordan@gateofheaven.org](mailto:tjordan@gateofheaven.org)>  
**Sent:** Friday, May 13, 2022 6:09 PM  
**To:** Melissa Hays <[mhays@montgomeryohio.org](mailto:mhays@montgomeryohio.org)>  
**Cc:** Melissa Hays <[mhays@montgomeryohio.org](mailto:mhays@montgomeryohio.org)>  
**Subject:** Gate Of Heaven Cemetery - Proposed Mausoleum Project

Hello Melissa,

Thank you for speaking with me on Thursday.

As we discussed, I have attached a rendering of the proposed Mausoleum project that we are currently planning. The buildings intended for construction at this time are labelled as A1 and B1 in the rendering. Additionally, I have attached a close-up map of the area where the mausoleum is to be constructed.

Please take a look and advise what you will need from us, next.



Thank you,

*Thomas J. Jordan*

Director of Cemeteries at Gate of Heaven and Calvary Cemeteries

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**From:** [Brian Blunt](#)  
**To:** [Kevin Chesar](#)  
**Subject:** Sept 12 Planning Commission Meeting  
**Date:** Tuesday, August 30, 2022 10:11:35 AM

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Hello Mr. Chesar,

We live across the street from the Weller side of the Gate of Heaven Catholic Cemetery and we have no objections to their construction of 2 new mausoleum structures as long as it has no impact to the wooded area on their property that faces Weller Road.

Thank You,  
Brian Blunt  
10601 Bridgewater Ln,

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**CITY OF MONTGOMERY**  
**PLANNING COMMISSION REGULAR MEETING**  
 City Hall · 10101 Montgomery Road · Montgomery, OH 45242  
**August 15, 2022**

<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
Larry Kuzma 9510 Main Street, 45241	Ron Messer Council Member Montgomery City Council	Kevin Chesar Community Development Director
Craig Margolis Mayor Montgomery City Council	Tony & Dana Pishotti MPH Brewing 7880 Remington Rd., 45242	Karen Bouldin, Secretary
		<u>ALL COMMISSION MEMBERS PRESENT</u>
		Chairman Dennis Hirotsu
		Vice Chairman Jim Matre
		Vince Dong
		Peter Fossett
		Darrell Leibson
		Barbara Steinebrey
		Pat Stull

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**Call to Order**

Chairman Hirotsu called the meeting to order at 7:00 p.m. He reminded all guests and residents to sign in, and please turn off all cell phones.

**Roll Call**

*The roll was called and showed the following response/attendance:*

- PRESENT:** Mr. Stull, Mr. Fossett, Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong,  
 Chairman Hirotsu (7)
- ABSENT:** (0)

*All members were present.*

**Guests and Residents**

Chairman Hirotsu asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

Chairman Hirotsu explained the process for this evening’s meeting to all guests and residents: “Mr. Chesar reviews his Staff Report and the Commission asks any questions they might have. The applicant presents their application and the Commission then asks any questions. The floor is opened to all residents for comments. If a resident agrees with a comment that was previously

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## **Planning Commission Meeting**

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29 stated, they could simply concur, instead of restating the entire comment to save time. The  
30 Commission discusses the application and residents are not permitted to comment or question  
31 during this discussion. The Commission will then decide to table, approve or deny the  
32 application.”

33

### **Old Business**

34  
35 There was no old business to report.

36

### **New Business**

37  
38 *Application from MPH Brewing requesting Final Development Site Plan approval for two*  
39 *accessory shed structures located in the rear yard at 7880 Remington Road.*

40

### **Staff Report**

41  
42 Mr. Chesar reviewed the Staff Report dated August 12, 2022, “Final Development Plan  
43 Approval for Accessory Structures/Sheds for MPH Brewing at 7880 Remington Road.”  
44 He showed photos and graphics on the wide screen for all to see, to provide more understanding  
45 of the Staff Report. He stated that per regulations sheds are required to be in the rear yard and  
46 require Planning Commission site approval as the business is in the Outer Old Montgomery  
47 District/Heritage District. He noted that Landmarks Commission also reviewed and approved  
48 the architecture for the structures.

49

50 Mr. Chesar indicated that public notices had been sent out to the surrounding property owners,  
51 and he had not received any calls or emails regarding this application.

52

53 He asked for any questions from the Commission, noting that the applicant was also in  
54 attendance to answer any questions.

55

56 Mr. Stull felt this was pretty clear cut; the applicant was cleaning up, with two nice-looking  
57 sheds that complied with all of the codes. He was in favor of this application.

58

59 Mr. Dong asked if there were any lights being added for this project. Mr. Chesar stated that it  
60 has not been indicated; there is no electric.

61

62 Chairman Hirotsu asked how the original shed got there. Mr. Chesar stated that it was prior to  
63 his time. He noted that MPH opened during the COVID pandemic, and have grown successfully  
64 since that time. They had examined various options to add on to the building, as trying to fit a  
65 restaurant with a kitchen and a brewery in the building with enough storage space became very  
66 difficult. Mr. Chesar believes the original metal container never came before Planning  
67 Commission because a temporary storage shed can be an administrative approval. Mr. Chesar  
68 felt that when the pandemic hit, everyone was trying to do everything they could to  
69 accommodate businesses. Mr. Chesar stated that the City has strongly urged, through notices to  
70 the applicant, that they needed to fix the issue and that the City and applicant were working  
71 cooperatively to find a good solution.

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73 There were no more questions from the Board.

74

75 Chairman Hirotsu asked if the applicant wished to speak.

76

77 **Tony Pishotti, owner of MPH Brewing, 7880 Remington Rd., 45242** stated that their business  
78 was doing very well. Its original use didn't require much storage, but when they became a  
79 brewery, they needed more. He stated that these sheds would help to clean up the area, and make  
80 it look much better. He asked if there were any questions.

81

82 As there were no questions from the Commission, Chairman Hirotsu asked if any guests or  
83 residents had any comments.

84

85 **Larry Kuzma, 9510 Main Street, 45242** was concerned with the view of MPH, from his house.  
86 He was not thrilled with the metal shed, and was very pleased that it would be taken down.  
87 He thanked Mr. Pishotti for also cleaning the wall. Mr. Kuzma asked if there was any way that  
88 they could utilize landscaping to conceal the view of the shed, from his front door. Mr. Pishotti  
89 pointed out some trees that were along there and stated that he would look into it. Mr. Kuzma  
90 stated that he was happy that MPH was doing well, and wished him continued success.

91

92 With no more questions from guests or residents, Chairman Hirotsu asked for comments from  
93 the Commission.

94

95 Mr. Dong felt this was pretty straight forward, and was in favor of this application. He felt that it  
96 improved the area.

97

98 Mr. Leibson was a believer that when someone follows the rules and regulations, that we needed  
99 to approve the application.

100

101 Mr. Matre was in favor of this application.

102

103 Ms. Steinebrey was also in support of this, and was glad that they were doing so well.

104

105 Mr. Fossett was in favor of this, as was Mr. Stull. Mr. Stull felt it would be great if they could  
106 put up additional trees, for the neighbor, but wanted to point out that it was not required by the  
107 Commission.

108

109 Chairman Hirotsu agreed with the other members.

110

111 *Mr. Leibson moved to approve the application for a Final Development Site Plan from MPH*  
112 *Brewing for two accessory shed structures located in the rear yard at 7880 Remington Road,*  
113 *as detailed in the Staff Report dated August 12, 2022, with the condition that the metal storage*  
114 *container be removed within one month of the installation of the new sheds.*

115

116 *Ms. Steinebrey seconded the motion.*

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## **Planning Commission Meeting**

August 15, 2022

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*The roll was called and showed the following vote:*

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120

*AYE: Mr. Dong, Mr. Stull, Mr. Fossett, Ms. Steinebrey, Mr. Matre, Mr. Leibson,*

121

*Chairman Hirotsu*

*(7)*

122

*NAY:*

*(0)*

123

*ABSENT:*

*(0)*

124

*ABSTAINED:*

*(0)*

125

126

*This motion is approved.*

127

128

### **Staff Update**

129

Mr. Chesar stated that our next meeting will be held on September 12, because our routinely scheduled meeting would be on September 5, a holiday. At this time, there is no meeting planned for September 19<sup>th</sup>.

130

131

132

133

Mr. Chesar gave brief updates:

134

135

- Montgomery Quarter is moving along. They are still having material sourcing issues, for the exterior of the buildings, as well as for the equipment for the restaurants. Mr. Dong asked if there would be a grand opening, and Mr. Chesar stated that originally a celebration was planned for this fall, but due to the material sourcing and logistical delays, the grand opening celebration will most likely be moved to spring when the restaurants will be open. He stated Fifth Third may open within the next couple of weeks and staff is still working on wayfinding / signage for this area an Old Montgomery, based on the new code regulations.

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- Sycamore High School hopes to be ready by the second home game. They removed some landscaping because of the need to relocate a water line and some utilities. They are now working on replacing the landscaping.

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148

- Twin Lakes has made some acquisitions, and they are concentrating their resources in other areas, so their project across the street is temporarily on hold.

149

150

151

- Vintage Club has condominiums being built, along with the commercial structure in the front.

152

153

154

- Diamonds Rock also had sourcing issues, but hopes to be open by the end of the month.

155

156

- Mr. Chesar stated that he is preparing a presentation of the Comprehensive Plan. It may not be until late October or early November until the details will be explained to this Commission.

157

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160

### **Council Report**

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**Planning Commission Meeting**

August 15, 2022

161 Mayor Margolis thanked the Commission for their superb work.  
162  
163 He talked about the project with the Farmer’s Market, noting that the developer plans to populate  
164 the apartments in the spring of 2023. They were also dealing with the issue of supply.  
165  
166 Mr. Stull asked about the roundabout on Deerfield Road. Mayor Margolis stated that Duke has  
167 held things up; they relocated a gas line, and now Altafiber is working on cable. The City has  
168 not even started yet. Mr. Stull stated that it was a terribly frustrating experience.  
169 Mayor Margolis stated that unfortunately, we have no control in that situation.  
170  
171 Mr. Messer stated that we had a celebration last Friday for winning the top Workplace Award,  
172 for the City. He noted that Montgomery has won this award for the fourth year, in a row.  
173 He pointed out that we were the only city that has won it, four years in a row. He applauded our  
174 employees, our volunteers, residents. He noted that we were the only city to even be on the list.  
175  
176 Mayor Margolis stated that *The Enquirer* contracts with a company out of California. It is a  
177 bottom-up approach, where employees vote. It is for the greater Cincinnati area.  
178

179 **Minutes**

180 Mr. Dong moved to approve the minutes of April 18, 2022, as amended.  
181 Ms. Steinebrey seconded the motion. The Commission unanimously approved the minutes.  
182

183 **Adjournment**

184 Mr. Fossett moved to adjourn. Mr. Leibson seconded the motion.  
185 The Commission unanimously approved. The meeting adjourned at 7:40 p.m.  
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193 \_\_\_\_\_  
Karen Bouldin, Clerk

\_\_\_\_\_

Date

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195 /ksb