

**December 18th, 2023**  
**7:00 P.M.**

1. Call to Order
2. Roll Call
3. Guests and Residents
4. Old Business

An application from The Church of the Saviour, 8005 Pfeiffer Road, for reconsideration of a conditional use approval conditions pertaining to the clarification of counseling services provided by the church at Ministry Center located at 8003 Pfeiffer Road (tabled).

5. New Business

An application from SHP on behalf of Sycamore Community Schools for a modification to the Final Development Plan pertaining to signage of a previously approved Conditional Use for Sycamore High School at 7400 Cornell Road.

6. Staff Report
7. Approval of Minutes: November 20<sup>th</sup>, 2023
8. Adjournment

## Planning Commission

### Application for Reconsideration of a Conditional Use Approval Condition Church of the Saviour (Tabled) 8005 (8003) Montgomery Road

#### **STAFF UPDATE**

November 20, 2023

**Applicant:** Church of the Saviour  
8005 Pfeiffer Road  
Montgomery, Ohio 45242

**Property Owner:** Same as above.

#### **Update of Request:**

Based on the extensive conversation and comments provided by the Planning Commission at the November 20, 2023, meeting, Staff has consulted with the Law Director regarding the ability for the City to regulate the type of clientele that can receive counseling services.

As such, the Law Director has provided further guidance regarding the overall recommendations suggested by the Planning Commission at their November 20, 2023, meeting and is recommending that item k be removed from the list of conditions for reasons explained in the attached email from the Law Director.

- 1) Counseling services at 8003 Pfeifer Road shall comply with the following conditions:
  - a. Counseling services offered at 8003 Pfeifer Road will be limited to mental health counseling by licensed professionals.
  - b. Services will be contracted by and monitored by the church board;
  - c. Counseling space will be less than 25% of the total floor area and no more than 1250 square feet; and,

- d. There will be no charges for the counselor's use of the space;
  - e. A patient may directly compensate a provider for mental health counseling.
  - f. An individual provider/company will not operate more than 20 hours per week.
  - g. No more than 40 hours of operation (building open for counseling) per week in total for all counseling services is permitted.
  - h. All counseling services shall be provided between the hours of 8 a.m. to 9 p.m.
  - i. There will be no signage for the provider of services.
  - j. No counseling provider/company shall operate their principal office on the site;.
  - k. Pending the Law Director review, approval of final language; no person identified as a danger to the community can be provided services at the site (for example, no registered sex offender or person convicted of felonious or aggregated assault) out of concern for the community and the preschool on site.
  - l. One year from the start of services, the applicant shall update the Planning Commission on the status of operations.
- 1) A continuous evergreen screen be planted between the existing driveway and the adjacent property to the west in compliance with the plan presented to City Council at the public hearing and approved by Staff and the City Arborist.

Accordingly, should the Planning Commission make recommendation for approval to City Council, Staff updated the conditions for Reconsideration of the Conditional Use as follows:

- 1) Counseling services at 8003 Pfeifer Road shall comply with the following conditions:
- a. Counseling services offered at 8003 Pfeifer Road will be limited to mental health counseling by licensed professionals.
  - b. Services will be contracted by and monitored by the church board;

- c. Counseling space will be less than 25% of the total floor area and no more than 1250 square feet; and,
  - d. There will be no charges for the counselor's use of the space;
  - e. A patient may directly compensate a provider for mental health counseling.
  - f. An individual provider/company will not operate more than 20 hours per week.
  - g. No more than 40 hours of operation (building open for counseling) per week in total for all counseling services is permitted.
  - h. All counseling services shall be provided between the hours of 8 a.m. to 9 p.m.
  - i. There will be no signage for the provider of services.
  - j. No counseling provider/company shall operate their principal office on the site.
- 2) A continuous evergreen screen be planted between the existing driveway and the adjacent property to the west in compliance with the plan presented to City Council at the public hearing and approved by Staff and the City Arborist.

Staff has also discussed the parameters with the applicant and they have suggested that they would be agreeable to adding a condition utilizing the following language from the Ohio Administrative Code if desired by the Planning Commission:

- Counselors shall adhere to the Ohio Administrative Code's [Duty to Protect](#) which outlines a provider's legal and ethical duty to protect others if they believe a client is a threat to another person, persons, or identifiable structure. The [Ohio Revised Code](#) defines conditions where a provider can be held liable for damages.

**This is the end of the December 18, 2023 update with the following pages representing the past reports for reference as needed.**

## Update of Request:

Based on the comments provided by the Planning Commission at the October 2<sup>nd</sup>, 2023 meeting, Staff has further reviewed the code as well as consulted with the Law Director regarding the main discussion points that Planning Commission expressed regarding the application. The topics included:

- The authority of the Planning Commission recommended, modify, and create conditions of a Conditional Use in context of the listed regulations.
- The concern of a residential district commercial use establishment.
- The apprehension of creating a specific precedent applicable to residential zones.

As such, the Law Director has provided guidance in the attached email that is intended to guide the Planning Commission regarding the issues stated above. Staff has subsequently suggested updates to the previous approval conditions to reflect the comments of the Law Director as well as change specific references to a “general counseling service” as the previously indicated that Bassett Services which may or may not be a future provider.

The previous staff report is also included after this update to assist with the past information presented but, it should be noted that while only the “faith based” portion was originally proposed to be changed, the possible recommendation has now been updated in an attempt to address the concerns discussed. To recap the previous meeting, the church would like to emphasize the availability of counseling services as a part of their church mission. During the original approval, Planning Commission recognized that counseling is an associated use of a religious place of worship but the requirement for a “faith based” type of counseling inadvertently limited treatment options as it is a specific form counseling which stopped any other types of counseling to be used in treatment at the facility. Additionally, the question of commercial operations in a residential zone, the authority of Planning Commission to make or adjust Conditional Use criteria, and precedent versus the charge of Planning Commission to hear and apply specific criteria to each individual Conditional Use is discussed by the Law Director’s review.

*I am also including a copy of regulations that the Law Director has referred to assist in the review as well as Home Occupation regulations that were also previously discussed:*

### **§ 151.2007 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.**

*(Q) Places of worship shall comply with the following:*

*(1) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.*

(2) All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.

(3) In any district, the Planning Commission and/or Council may require all outdoor children's activity areas to be enclosed by a fence at a height approved by the Planning Commission and/or Council. An entry gate shall be securely fastened.

(4) Outdoor activity areas shall not be located closer than 20 feet to any residential property. Play structures and other similar apparatus shall not be located closer than 40 feet to any residential property.

(5) Night lighting of outdoor activity areas shall be determined upon a careful review and consideration of all site and adjacent residential property characteristics. Places of worship must also comply with the regulations in §§ [151.3212\(C\)](#) and [151.1213\(B\)](#).

(6) No building shall exceed three stories or 45 feet, including all construction mechanicals. Church and temple steeples/spires may be erected to a height not exceeding 75 feet; provided however, in both instances, that the building is set back from each required yard at least one foot for every foot of additional building height above the height limit otherwise provided in the district where the building is built.

(7) When located in a residential district, the design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential neighborhood character.

(8) All activities, programs and other events shall be directly related to the conditional use permit so granted and shall be adequately and properly supervised.

(9) Associated uses such as a convent, faculty residence, cafeteria, fieldhouse or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.

## **§ 151.2002 GENERAL CRITERIA FOR ALL CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in §§ [151.2003](#) through [151.2008](#). The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use as proposed:

(A) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

- (B) *Will not be detrimental to property values in the immediate vicinity;*
- (C) *Will not restrict or adversely affect the existing use of the adjacent property owners;*
- (D) *Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in [Chapter 151.32](#);*
- (E) *Will be properly landscaped in accordance with [Chapter 151.34](#);*
- (F) *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;*
- (G) *The hours of operation of the proposed use are similar to a use permitted in the district;*
- (H) *The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
- (I) *Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
- (J) *Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;*
- (K) *The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools; and*
- (L) *There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.*
- (Ord. 5-2005, passed 3-23-05; Am. Ord. 2-2014, passed 3-5-14; Am. Ord. 19-2014, passed 12-3-14)*

### **§ 151.2001 PURPOSE.**

- (A) *Conditionally permitted uses are those uses which have a particular impact on the surrounding area that cannot be predetermined and controlled by general regulations. In order to insure that these uses in their proposed locations will be compatible with surrounding development, their establishment shall not be a matter of right but may be permitted after review and approval as hereinafter provided.*
- (B) *This consideration of conditional uses is particularly important. In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a*



*reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Zoning Code should provide for more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of [Chapter 150.16](#).*

*(Ord. 5-2005, passed 3-23-05; Am. Ord. 2-2014, passed 3-5-14; Am. Ord. 19-2014, passed 12-3-14)*

### **§ 151.1010 REGULATIONS FOR HOME OCCUPATIONS.**

*The purpose of this section is to set forth regulations, which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and shall not in any way adversely affect the uses permitted in the residential district of which they are a part. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.*

*(A) Not more than one person other than a person residing on the premises shall be employed in a home occupation.*

*(B) A home occupation shall occupy no more than 25% of the floor area of the dwelling and shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.*

*(C) Any merchandise that is sold from the premises shall be produced on the premises.*

*(D) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.*

*(E) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation. Structural modifications such as a separate business entrance, colors, materials, or the construction of accessory structures not currently permitted are prohibited.*

*(F) No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of generating any noise, vibration, glare, fumes, odors, or electrical interference, or which is determined unsafe.*



(G) *No signs shall be permitted on the lot that designates employment or home occupations.*

(H) *Traffic.*

(1) *Employee parking shall be located off the street with the applicable front, side and rear yard requirements maintained.*

(2) *The conduct of a home occupation shall not reduce or render unusable areas provided for required off-street parking areas for the dwelling unit*

(3) *Traffic generated by a home occupation shall not exceed the average daily volume normally expected for a residence in a residential neighborhood, which for the purpose of this section equals up to ten round trips per day.*

(4) *Deliveries for the business are limited to an average of once per day. Delivery by a truck with more than two axles is prohibited.*

(I) *All persons wishing to conduct a home occupation shall apply for an accessory use permit, as required in [Chapter 150.12](#).*

*(Ord. 6-2010, passed 7-7-10; Am. Ord. 19-2014, passed 12-3-14)*

From the above perspective, should the Planning Commission make a recommendation for approval, Staff crafted updated conditions for the Reconsideration of Conditional Use that is intended to address the previous concerns. The conditions could be modified as follows (**red** indicates text to be removed while **green** indicates proposed new text):

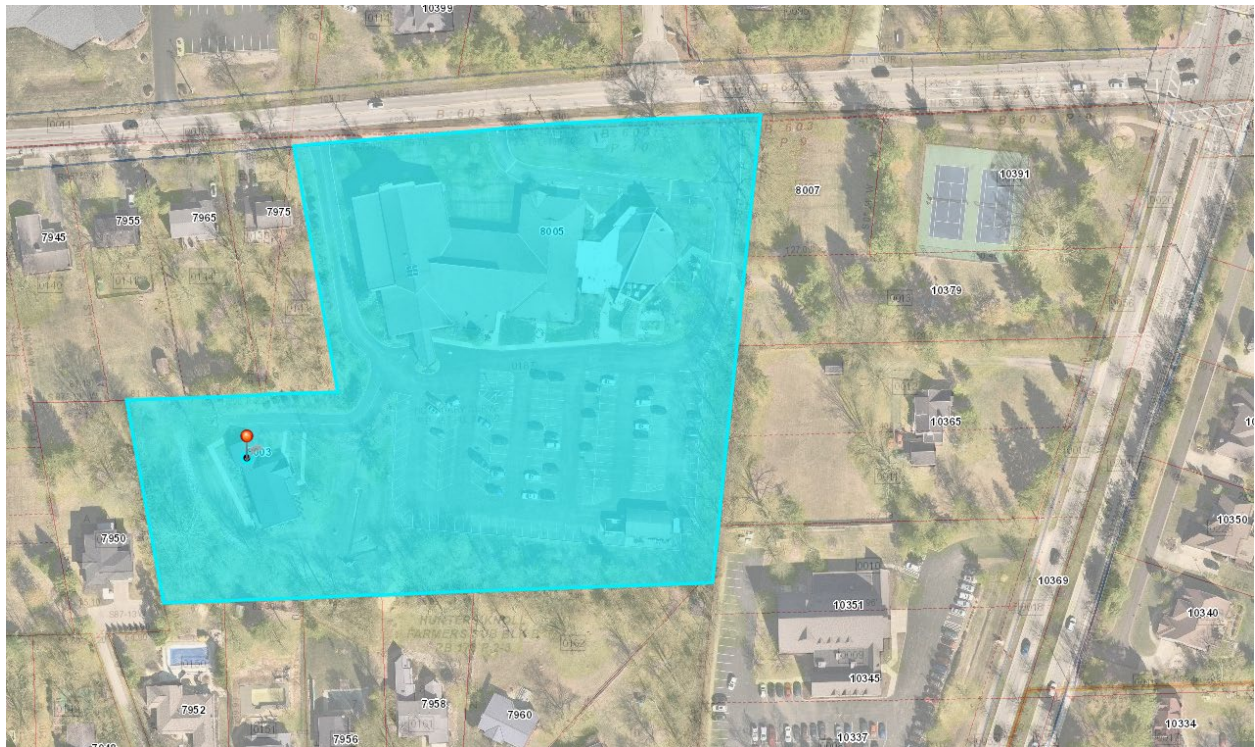
- 1) Counseling services at the Ministry Center shall comply with the following conditions:
  - a. Services offered at the Ministry Center will be limited to ~~faith-based~~ counseling;
  - b. Services will be ~~contracted by the Church~~ for church or community programs on behavior or mental health;
  - c. There will be no charges for the counselor's use of the Ministry Center;
  - d. The Church ~~will~~ may contract with the provider for client counseling. A patient can directly compensate a provider for behavior or mental health counseling.
  - e. Counseling space will be less than 25% of the total floor area; and,
  - f. There will be no signage for the provider of services.
- 2) ~~Bassett Physiological Services~~ Any counseling service shall not move their principal office to the site; and no single counselor can provide more than 24

hours per week to ensure the site does not function as their primary office location.

- 3) A continuous evergreen screen be planted between the existing driveway and the adjacent property to the west in compliance with the plan presented to City Council at the public hearing and approved by Staff and the City Arborist.

(The Previous Report can be found on the following pages.)

**Vicinity Map:**



### **Nature of request:**

The Church of the Saviour, 8005 Pfeiffer Road, is requesting a reconsideration of an approved April 2019 conditional use condition pertaining to the clarification of counseling services provided by the church at Ministry Center located at 8003 Pfeiffer Road. The Planning Commission minutes, 2019 City Council Public Hearing minutes and the Approval/Decision Letter and are included in the packet for historical reference.

The Church utilizes the existing building as a Ministry Center for group meetings, private consultations, and storage.

### **Zoning:**

The property is zoned 'A' Single Family Residential. Places of worship are conditionally permitted use in the 'A' District. All the surrounding properties are also zoned 'A' Single Family Residential. The properties directly to the north, south and west are used for single family residential dwelling units. The property to the east is owned by the City of Montgomery and used for Pfeiffer Park.

### **Findings**

The property structures/uses are at 8003 and 8005 Pfeiffer Road on one lot, which is approximately 5.96 acres. 8005 Pfeiffer Road serves as the Church, and the Montgomery Nursery School operates out of the facility. 8003 Pfeiffer Road serves the ministry center, referred to as The Peace House.

The previous Ministry Center approval conditions specified:

- 4) Counseling services at the Ministry Center shall comply with the following conditions:
  - a. Services offered at the Ministry Center **will be limited to faith based counseling;**
  - b. Services will be contracted by the Church for church or community programs on behavior or mental health;
  - c. There will be no charges for use of the Ministry Center;
  - d. The Church will contract with the provider for client counseling;
  - e. Counseling space will be less than 25% of the total floor area; and,

- f. There will be no signage for the provider of services.
- 5) Bassett Physiological Services shall not move their office to the site; and,
- 6) A continuous evergreen screen be planted between the existing driveway and the adjacent property to the west in compliance with the plan presented to City Council at the public hearing and approved by Staff and the City Arborist.

The applicant is requesting reconsideration of condition 1a, which states ‘Services offered at the Ministry Center will be limited to faith based counseling’. The applicant is requesting that the words ‘faith-based’ be struck from the condition to allow for other types of counseling to be used in treatment at the facility.

**CONDITIONAL USE SPECIFIC CONDITIONS:**

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

- 1. *Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.*

The church and ministry center are located on Pfeiffer Road, which is a collector street.

- 2. *All access drives shall be located as far as practical from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.*

The entrance to the church already exists along the west property line and no changes are proposed to the entrance.

- 3. *In any district, the Planning Commission and/or Council may require all outdoor children’s activity areas to be enclosed by a fence at a height approved by the Commission and/or Council. An entry gate shall be securely fastened.*

No outdoor children’s activity areas are proposed as part of this application.

- 4. *Outdoor activity areas shall not be located closer than 20 feet to any residential property. Play structures and other similar apparatus shall not be located closer than 40 feet to any residential property.*

No outdoor activity area is being proposed as part of this application.

5. *Night lighting of outdoor activity areas shall be determined upon a careful review and consideration of all site and adjacent residential property characteristics.*

No outdoor activity area is being proposed as part of this application.

6. *No building shall exceed 3 stories or 45 feet, including all construction mechanicals. Church and temple steeples/spires may be erected to a height not exceeding 75 feet; provided however, in both instances, that the building is set back from each required yard at least one foot for every foot of additional building height above the height limit otherwise provided in the district where the building is built.*

The existing building is one-story and there are no additions to the building as part of this application.

7. *When located in a residential district, the design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential neighborhood character.*

The existing building is visually compatible with the surrounding residential character.

8. *All activities, programs and other events shall be directly related to the conditional use permit granted and shall be properly supervised.*

The activities, programs and events proposed at the building are directly related to the approved conditional use permit and are properly supervised.

9. *Associated uses such as a convent, faculty residence, cafeteria, fieldhouse or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.*

All uses meet setback requirements.

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 ministry center meets all the conditions.

### **Staff Comments**

The Church of the Saviour has been operating the ministry center successfully without any known concerns since the 2019 approval. Staff's understanding is the original conditional use intent was to ensure that an independent business would not operate

out of the facility and that all counseling services, while professionally offered, would be related to the Church and their mission.

This past summer City staff met at the Ministry Center to discuss with church representatives the concerns and challenges that the specified “faith-based” counseling has presented as the church works to assist anyone in need of services. Church officials indicated that faith based is a specific form of intervention which directly limits other forms of intervention that may be required, i.e. Cognitive Behavioral Therapy, Mindfulness Therapy, etc. From that perspective church leaders have emphasized the desire to offer the most appropriate form of mental health counseling services to anyone in need, not only limited to faith-based counseling, as part of their mission.

Overall, per section 150.1607, Planning Commission shall make specific findings of fact regarding the reconsideration 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.

Should Planning Commission make a recommendation for approval of the Reconsideration of Conditional Use, all other conditions would be in effect except for item 1.a. which modified would state:

- 1. a. Services offered at the Ministry Center will be limited to counseling.



**From:** [Lisa Dennis](#) on behalf of [Terry Donnellon](#)  
**To:** [Kevin Chesar](#)  
**Cc:** [Tracy Henao](#)  
**Subject:** Church of the Saviour / PRIVILEGED CONFIDENTIAL  
**Date:** Thursday, November 30, 2023 3:08:20 PM

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Kevin:

You have asked me to weigh in on a proposed restriction discussed by the Planning Commission in conjunction with the approval of a request by the Church of the Saviour to modify the conditions imposed upon the church for counseling as an associated use. The specific restriction under consideration by the Planning Commission would limit the services which can be provided by excluding registered sex offenders or persons convicted of felonious or aggravated assault. We may be overreaching our authority to impose such a restriction, and practically speaking we would have a very difficult time enforcing a violation except after the fact.

I assume the Planning Commission is relying upon their authority under Section 151.2003 which allows them to impose supplementary conditions and safeguards to assure that a conditionally permitted use will not endanger public health, safety or general welfare. We need to keep in mind that we already have approved the church as a conditionally permitted use, and we have permitted counseling as an associated use without imposing this restriction at any time during the history of this site.

There are numerous State restrictions concerning sex offenders, most of which address where a sex offender may reside. Sex offenders are required to register their address, but there is nothing in the Code that requires them to register where they may travel or where they may receive services. Counselors have rules governing confidentiality. There is no requirement that a counselor acknowledge that their patient is a sex offender or has a history of felony convictions so they may not be able to advise the City nor the church of their patient's history to be able to enforce this rule. Additionally, the police would have no probable cause to check license plates or to check the identification of patients at the Center to determine if they meet these criteria.

Imposing this restriction on counseling because the presence of the person is a public safety risk begs the question, why is not the same restriction imposed upon the Church of the Saviour or any of the other churches in the community to restrict their congregants and guests? There is nothing in our Code that prevents a sex offender from attending church, Sunday school or church meetings. A sex offender may be onsite for a longer period of time attending religious services and related classes than they would be attending a single counseling session.

While I understand the Planning Commission's concerns since this is a use in a residential neighborhood, perhaps we need to realize that persons meeting these categories are seeking help when they come to the counseling center which may mitigate any risk.



Perhaps this is an issue left to the church and the counselors to regulate since the church operates a daycare onsite. Again, State law may not prohibit a sex offender from coming to the church, nor coming to counseling. If this is a concern of the church operating a daycare onsite, the church can enforce these restrictions in their tenancy rules with the counselors.

Since we did not impose this restriction when the church was approved as a conditionally permitted use, and we did not impose this condition when counseling as an associated use previously was approved, I do not believe we can or should impose this restriction now. I appreciate their concern, but it may be an overreach by the Planning Commission to condition the approval of the associated use, particularly expanding the use beyond faith-based counseling, to restrict the client base for these counselors.

Please let me know if there are any additional questions I can address for you.

Sincerely,

**Terrence M. Donnellon,  
Attorney at Law**

*Donnellon  
Donnellon & Miller*  
A LEGAL PROFESSIONAL ASSOCIATION

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Planning Commission

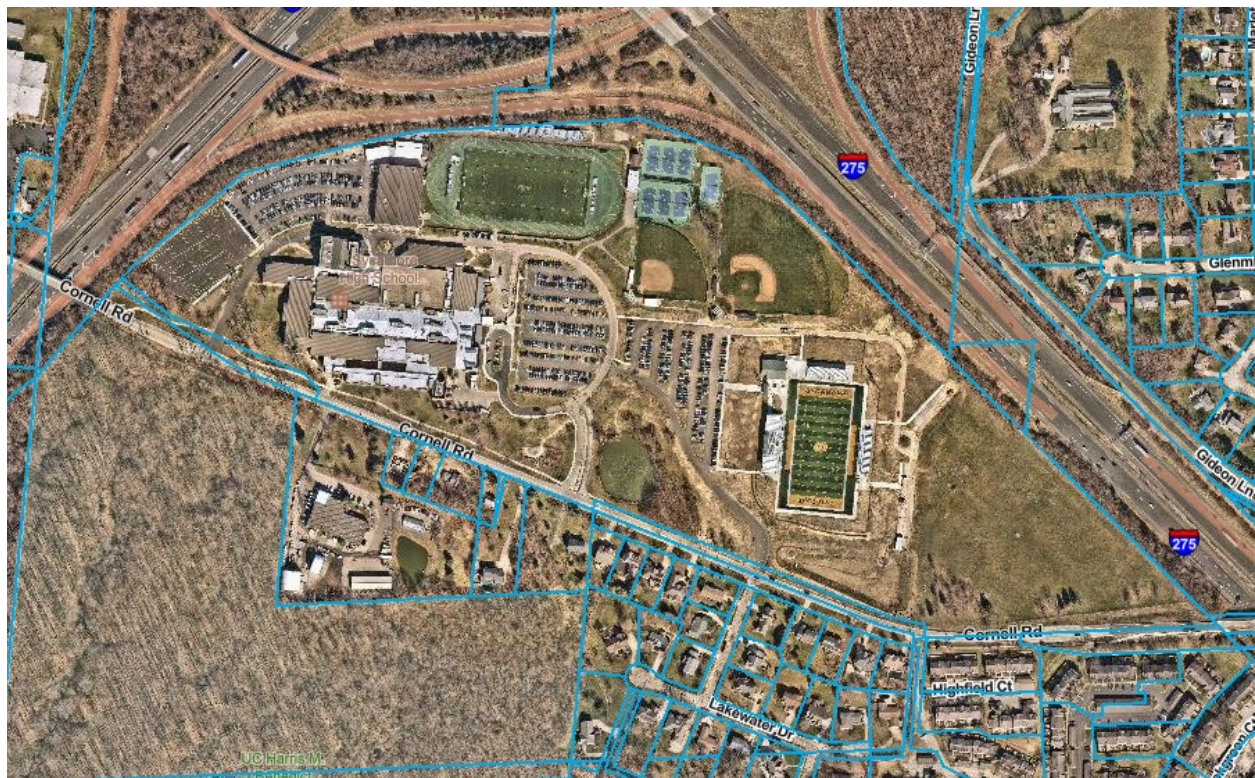
Modification of a Final Development Plan  
Sycamore High School  
7400 Cornell Road

December 18, 2023

**Applicant:** SHP  
312 Plum Street, Ste 700  
Cincinnati, Ohio 45202

**Property Owner:** Sycamore Community Schools  
5959 Hagewa Drive  
Blue Ash, Ohio 45242

**Vicinity Map:**



### **Nature of request:**

The applicant is working with Sycamore Community Schools on construction of additions to the existing High School and construction of a new stadium on the existing campus at 7400 Cornell Road that was previously approved by the Planning Commission as an expansion of a Conditional Use/Final Development Plan on January 18<sup>th</sup>, 2022. The school campus property is approximately 58.52 acres and houses Sycamore High School, athletic fields, and the Gregory Center. The project also included constructing a new stadium, which has been substantially completed. The second stage entailed relocating the main entry to the east side of the building by adding a new entry canopy and reconfiguring the site drop-off and pick-up for buses and vehicles which was completed earlier this year. The current stage includes the construction of a fieldhouse and as the applicant proceeds with finalization of the plans, they have proposed identification signage for the facility. **The January 18<sup>th</sup>, 2022, approval condition required that new signage be reviewed and approved by the Planning Commission prior to installation.**

### **Zoning:**

The property is zoned 'B' Single Family Residential and schools are a conditionally permitted use in the district. The original building on this site was constructed in 1975 with several additions and renovations over the years. The site is located on Cornell Road and bordered by I-71 and I-275. The City of Montgomery Public Works facility is located across Cornell Road to the south and is also a conditionally permitted use in the District. Several single-family homes are located along the south side of Cornell Road in the City of Montgomery and are also zoned 'B' Single Family Residential. Montgomery Towne condos are located on the south side of Cornell Road in Sycamore Township.

The previous Final Development Plan/Conditional Use approval also required the following:

- The applicant shall comply with the specific conditions for a conditional use permit listed in Section 151.2007(v) Schools, public and private.
- Events that regularly exceed the on-site parking capability of 2,985 visitors shall demonstrate that additional parking can be created on-site or through a shared parking arrangement.
- The parcels shall be consolidated into one lot.
- Should the future average attendance at events exceed 2,985 spectators per game for an entire season, the School will establish a permanent plan for additional parking or a shared parking arrangement.
- Sycamore Schools shall not schedule large events in the Natatorium or Auditorium during large events at the Stadium, which would cause the parking requirement to exceed the capability of the site.
- Addition of a sidewalk along the eastern driveway to provide pedestrian access to the stadium as approved by staff.

- Addition of a crosswalk on Cornell Road at Valleystream Drive, if deemed appropriate by the Traffic Engineer.
- The height of the stadium lighting shall be a maximum height of 80 feet.
- All bleachers, including the press box be approved to not exceed 45 feet and scoreboard to not exceed 35 feet.
- The six-foot vinyl coated chain link security fence be permitted as proposed.
- All parking lot lighting to not exceed a permitted a maximum height of 20'.
- All stadium lighting shall be turned off a maximum of 1 hour after events.
- Any evening events that end after 9 p.m. shall have cleanup activities occur the next day during daylight hours.
- New signage be reviewed and approved by the Planning Commission prior to installation.
- A dedicated ambulance access point, dedicated parking spot, and a gate added to the fence in the southeastern section of the stadium with a 12-foot drive to a pad next to the playing field be added as approved by the Fire Department.
- The location of fire hydrants shall be reviewed and approved by the Fire Chief.
- All new fire hydrants shall be Kennedy K-81A with a Storz outlet as required by the Fire Department.
- The final stormwater plan shall be in compliance with the stormwater concept plan.
- After a year in operation, Sycamore Community Schools will return for a review of event parking operations by the Planning Commission.

### **Findings:**

*Setbacks:* The proposed signage locations meet the setback requirements.

*Lighting:* No additional lighting is proposed.

*Signage:* The Planning Commission's previous approval required that new signage be reviewed and approved by the Planning Commission prior to installation. Overall, the applicant is proposing individual dimensional letter metal signage for the fieldhouse indicating "Sycamore" painted yellow at 6.5 square feet and well as "AVES" painted green at 36.5 square feet.

### **Staff Comments**

During the January 2022 approval Planning Commission recognized the significance of the development for Sycamore Community Schools, which is one component of the facilities master plan. The Code specifically recognizes stadiums as an associated use for schools but does not directly regulate the commonly associated signage for the stadium and associated uses such as the fieldhouse Under the purview of the Conditional Use, Planning Commission required that new signage be reviewed and approved by the Commission to ensure conformance with the general criteria for

Conditional Uses relating to the appropriateness regarding the existing and intended character of the general area.

As such, Planning Commission will need to review the proposed signage.

Overall, Staff recognizes that new school stadiums are not common occurrences. In the absence of detailed regulations to handle the multiple facets of school stadium construction such as signage, scoreboards, stadium lighting, etc., the regulations empower Planning Commission to address site issues to ensure an appropriate impact upon surrounding properties while balancing the typical uses for a school institution.

Staff believes the proposed new permanent signage will not adversely impact the surrounding area while appropriately identifying the uses onsite.

Should the Planning Commission approve Final Development Plan modification, Staff would recommend the following conditions:

- All signage approved as submitted.





CITY OF

# MONTGOMERY

A CHARMING PAST. A GLOWING FUTURE.

## APPLICATION FORM

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

Project Address (Location): 7400 Cornell Road, Cincinnati, OH 45242

Project Name (if applicable): Sycamore High School

Auditors Parcel Number: 603-0026-0100

Gross Acres: 58.521 Lots/Units \_\_\_\_\_ Commercial Square Footage \_\_\_\_\_

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

PROPERTY OWNER(S) Board of Education of the Sycamore Community School District Contact \_\_\_\_\_

Address 5959 Hagewa Dr. Phone: \_\_\_\_\_

City Cincinnati State OH Zip 45242

E-mail address loganj@sycamoreschools.org

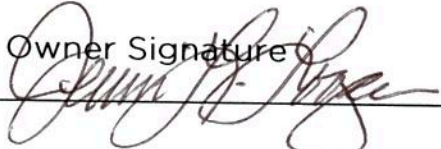
APPLICANT 5959 Hagewa Dr. Contact Dan Behnfeldt

Address 312 Plum Street, Suite 700 Phone: \_\_\_\_\_

City Cincinnati State OH Zip 45202

E-mail address dbehnfeldt@shp.com.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 

ONLY

FOR DEPARTMENT USE

Print Name Jenni Logan, Treasurer

Date 11/09/2023

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 7400 Cornell Road, Cincinnati, OH 45242, 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 \_\_\_\_\_

  
Jenni Logan, Treasurer

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

Date 11/09/2023

Planning Commission Members:

Vince Dong

Peter Fossett

Dennis Hirotsu

Andy Juengling

Barbara Steinebrey

Patrick Stull

Alex Schneider





312 PLUM STREET, SUITE 700  
CINCINNATI, OH 45202  
(513) 381.2112

November 9, 2023

Kevin Chesar, Community Development Director  
Zoning and Code Compliance Officer  
City of Montgomery  
10101 Montgomery Road  
Montgomery, OH 45242

**RE: Sycamore High School Stadium – Signage Submission**  
**7400 Cornell Road, Cincinnati, OH 45242**  
**SHP Project No: 2019147.10**

Dear Mr. Chesar:

The information in this package addresses documentation needed for describing the intent for providing signage on the recently constructed Sycamore HS Home Fieldhouse. Sycamore is requesting approval of the proposed signage by the Planning Commission. This package is being submitted based on the condition listed in the Plan Approval per the Planning Commission approval of the Sycamore HS Final Development Plan dated January 19, 2022. It states “New signage be reviewed and approved by the Planning Commission prior to installation.”

- No signs will be illuminated. The student grandstand along with other site features screen the dimensional signage proposed on the Home FH, therefore the signage is not visible from any of the adjacent properties located along Cornell Road.
- Below is a list of signs with descriptions and dimension that correspond with the attached drawings.

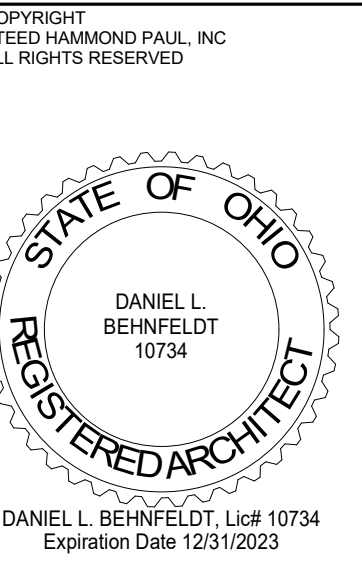
Sign No.	Sign Type	Area SF	Dimensions	Top Above Grade	Material and Finish
1	Home Fieldhouse - Dimensional Letter Signage	6.5	Letters: 36"H; Overall: 31.5'W x 3'H	8.5'	Painted Metal (Yellow)
2	Home Fieldhouse - Panel Signage	36.5	15.75'H x 8.5'W	10'	"AVES" Logo: Painted Metal (/Green)

Thank you for your consideration of this request. Please let me know if you need additional information.  
Sincerely,

SHP

Dan Behnfeldt, AIA  
Sr. Project Architect





**GENERAL NOTES - ENLARGED TOILET ROOM PLANS**

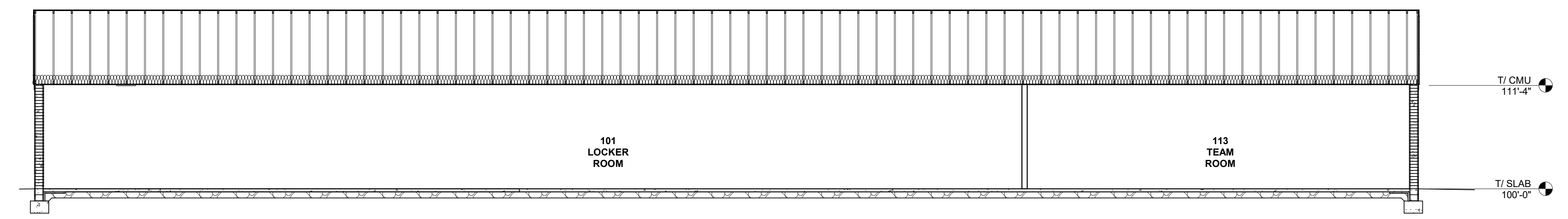
- A. ALL TOILET FIXTURES AND ACCESSORY DIMENSIONS ARE TO FINISHED FACE OF WALL UNLESS NOTED OTHERWISE.
- B. DIMENSIONS TO FIXTURES ARE TO THE CENTERLINE UNLESS NOTED OTHERWISE.
- C. SOAP DISPENSER & NON-ADA TOILET TISSUE DISPENSERS TO BE PROVIDED BY THE OWNER. CONTRACTOR TO INSTALL.

**TOILET AND BATH ACCESSORY SCHEDULE**

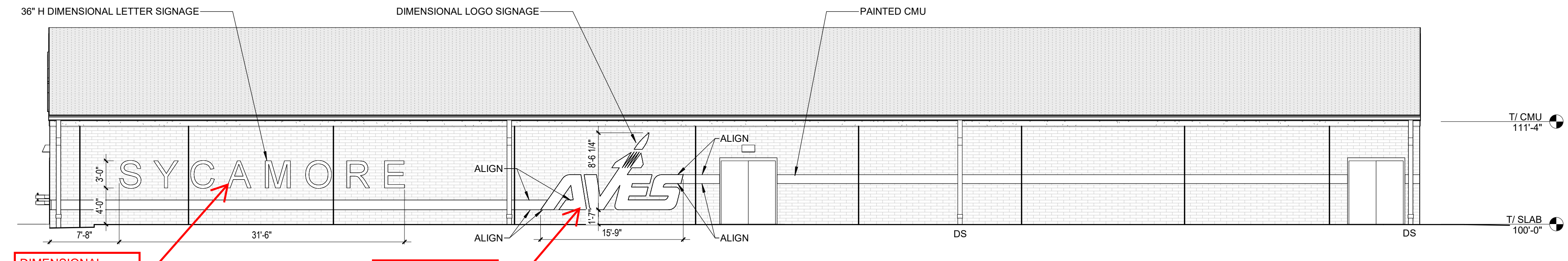
TBA	DESCRIPTION	SIZE/COMMENTS
2A	TOILET TISSUE DISPENSER	ADA
3	SOAP DISPENSER	
4A	GRAB BAR	36in
4B	GRAB BAR	42in
4D	GRAB BAR	18in
6	SANITARY NAPKIN DISPOSAL	
7	MIRROR UNIT	18" x 36"
11	HIGH VELOCITY HAND DRYER	
13	BROOM HOLDER	
14	DIAPER-CHANGING STATION	
15	CHILD PROTECTION SEAT	
17	ROBE HOOK	

**GENERAL NOTES - ROOF PLAN**

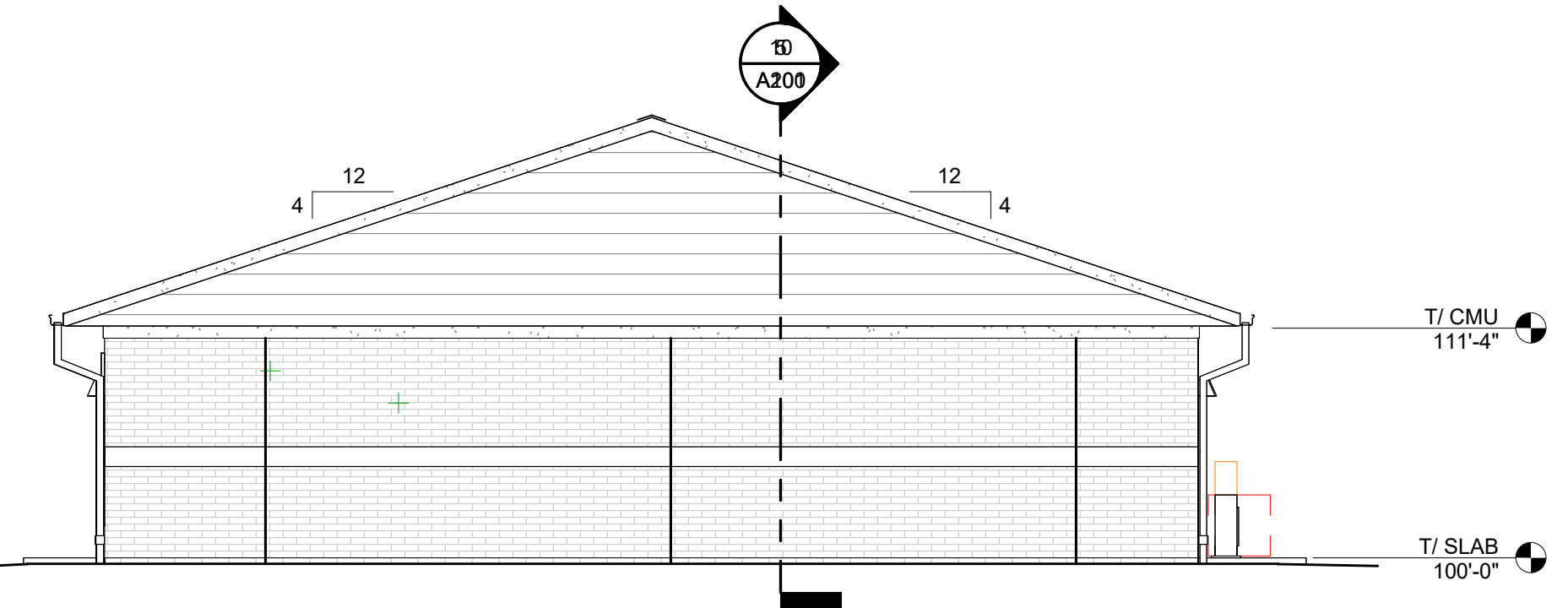
- A. ROOF PLAN DOES NOT SHOW ALL MECHANICAL / ELECTRICAL ROOFTOP EQUIPMENT AND PENETRATIONS, SUCH AS PLUMBING VENTS. SEE RESPECTIVE DRAWINGS FOR SUCH EQUIPMENT AND PENETRATIONS.



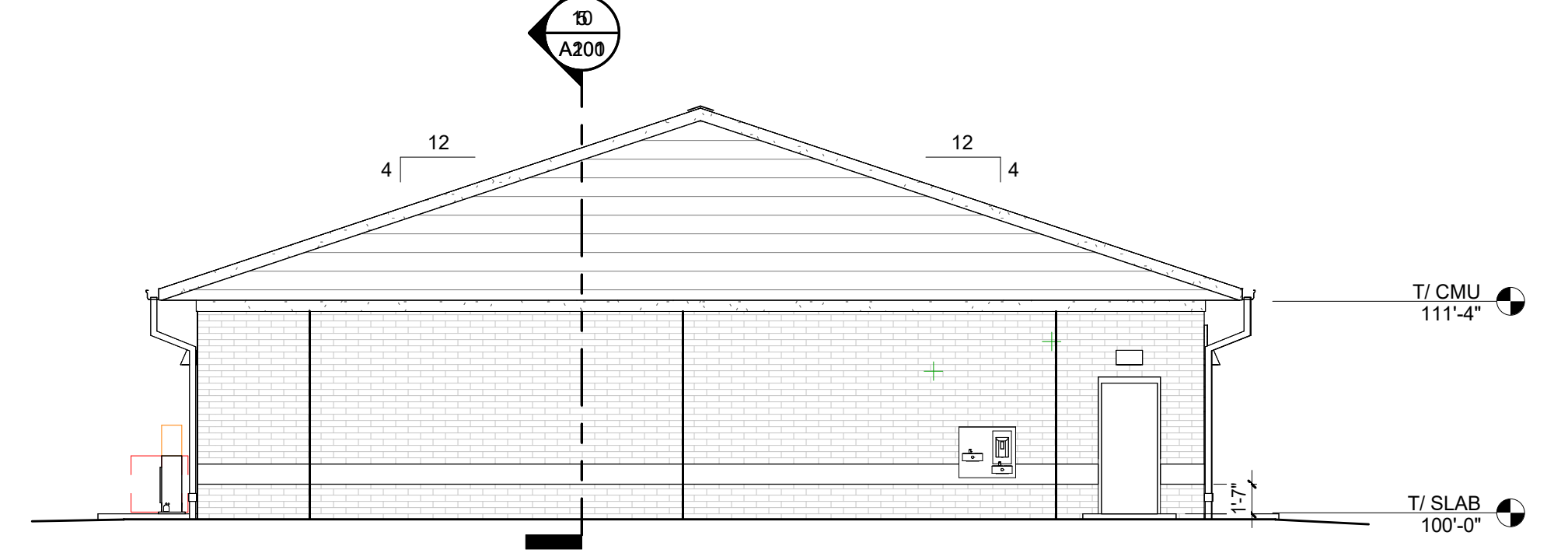
**5 BUILDING SECTION-FINISH**  
A100 1/8" = 1'-0"



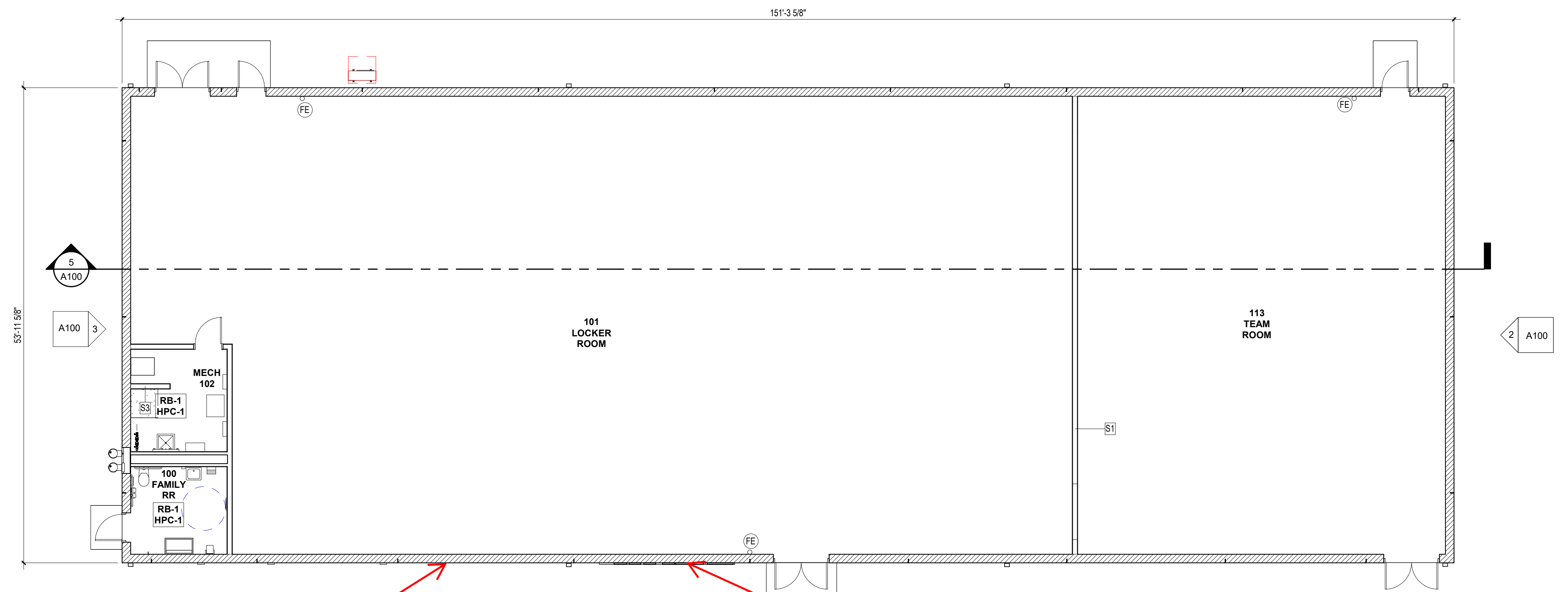
**4 SOUTH ELEVATION-FINISH**  
A100 1/8" = 1'-0"



**2 EAST ELEVATION-FINISH**  
A100 1/8" = 1'-0"



**3 WEST ELEVATION-FINISH**  
A100 1/8" = 1'-0"

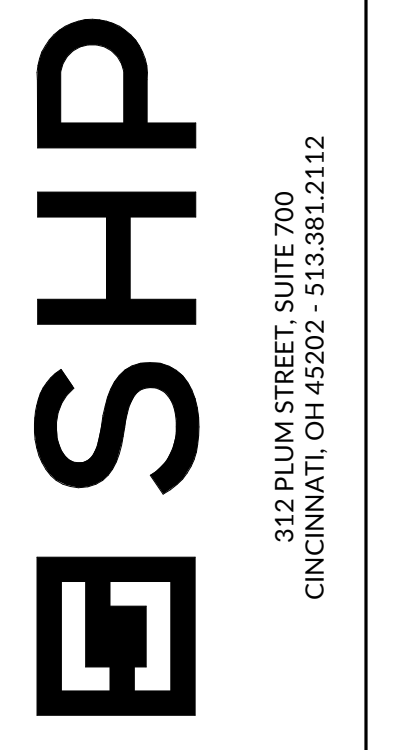


**1 FLOOR PLAN**  
A100 1/8" = 1'-0"

**WALL PAINT & BASE FINISH LEGEND**

ROOM NUMBER	NAME	ROOM NAME
101	RB-1	LOCKER ROOM
113	RB-1	TEAM ROOM
	HPC-1	

**FINISHES**  
RUBBER BASE RB-1: BLACK  
HPC-1 INTERIOR WALL COLOR: SW7005 PURE WHITE  
HM DOORS AND FRAMES: SW7074 SOFTWARE



HOME FIELDHOUSE  
**SYCAMORE HIGH SCHOOL**  
7400 CORNELL ROAD, CINCINNATI, OH 45242  
**SYCAMORE COMMUNITY SCHOOLS**  
5959 HAGEWA DRIVE, CINCINNATI, OH 45242

**ISSUANCES**

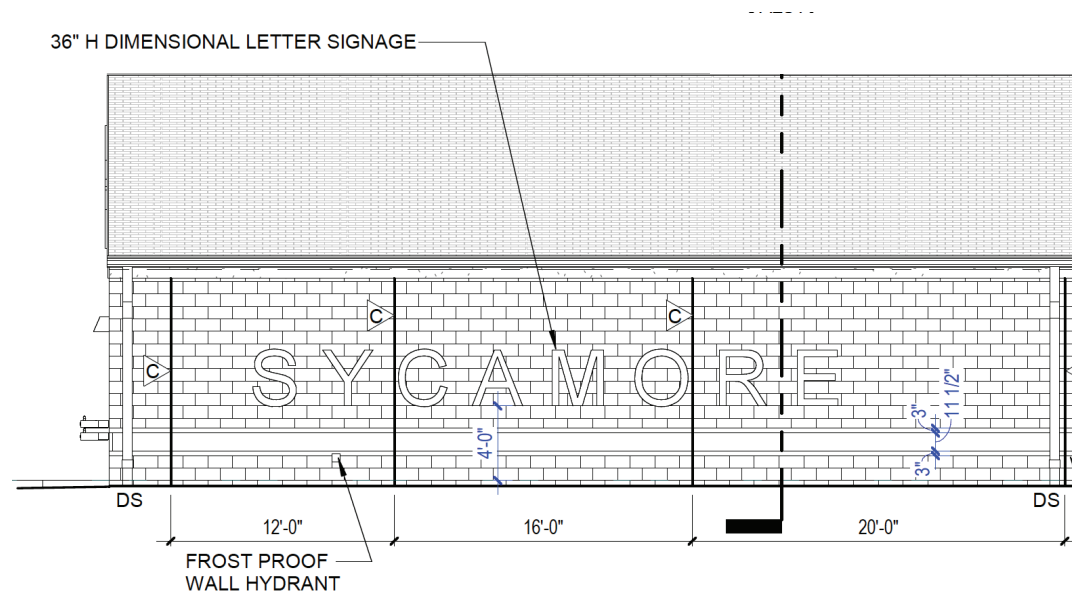
NO.	DATE	DESCRIPTION
1	04-07-23	GM/PERMIT SET
2	06-14-23	PR-01
3	09-28-23	PERMIT-OCCUPANCY

**PLANS, ELEVATIONS, & DETAILS**

COMM NO. 2022000.01

**A100**





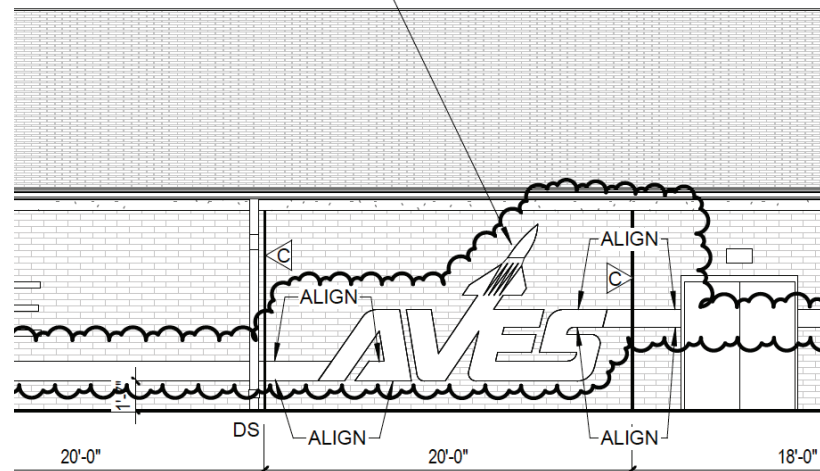
**8 SOUTH ELEVATION**  
A201 1/8" = 1'-0"



**ST-2 - Fabricated Channel Letters**

- Dimensions:** 36"H
- Description:**
- FONT Helvetica Neue, Medium
- FACE 2" Aluminum
- FACE B/G 1st Surface Painted
- COLOR Sherwin Williams SW6910 Daisy
- MOUNT Stud Mount & Silicone

DIMENSIONAL LOGO SIGNAGE



**8** SOUTH ELEVATION  
A201 1/8" = 1'-0"



**ST-3 - Dimensional Logo**

**Dimensions:** 189"W x 102-1/4"H  
**Description:**  
 FACE 2 Layers of 1/2" Type 1 PVC  
 FACE B/G 1st Surface Painted  
 COLOR PMS 349 C  
 MOUNT Back layer to be anchored and screwed to exterior wall  
 Face layer to be pin mounted and glued to back layer



January 19, 2022

**VIA EMAIL**

SHP  
c/o Allison McKenzie, AIA  
312 Plum Street, Ste 700  
Cincinnati, OH 45202

RE: Planning Commission Approval  
Final Development Plan – Sycamore High School

Dear Ms. McKenzie:

This letter will serve as confirmation of the Planning Commission’s approval of the Final Development Plan for the Sycamore High School project. The application dated December 20, 2021 was heard by the Planning Commission at a special meeting on Tuesday, January 18, 2022. After hearing testimony and considering the request, the Planning Commission voted to approve the Final Development Plan with the following conditions:

- The applicant shall comply with the specific conditions for a conditional use permit listed in Section 151.2007(v) Schools, public and private.
- Events that regularly exceed the on-site parking capability of 2,985 visitors shall demonstrate that additional parking can be created on-site or through a shared parking arrangement.
- The parcels shall be consolidated into one lot.
- Should the future average attendance at events exceed 2,985 spectators per game for an entire season, the School will establish a permanent plan for additional parking or a shared parking arrangement.
- Sycamore Schools shall not schedule large events in the Natatorium or Auditorium during large events at the Stadium, which would cause the parking requirement to exceed the capability of the site.
- Addition of a sidewalk along the eastern driveway to provide pedestrian access to the stadium as approved by staff.
- Addition of a crosswalk on Cornell Road at Valleystream Drive, if deemed appropriate by the Traffic Engineer.
- The height of the stadium lighting shall be a maximum height of 80 feet.
- All bleachers, including the press box be approved to not exceed 45 feet and scoreboard to not exceed 35 feet.
- The six-foot vinyl coated chain link security fence be permitted as proposed.
- All parking lot lighting to not exceed a permitted a maximum height of 20’.
- All stadium lighting shall be turned off a maximum of 1 hour after events.

- Any evening events that end after 9 p.m. shall have cleanup activities occur the next day during daylight hours.
- New signage be reviewed and approved by the Planning Commission prior to installation.
- A dedicated ambulance access point, dedicated parking spot, and a gate added to the fence in the southeastern section of the stadium with a 12-foot drive to a pad next to the playing field be added as approved by the Fire Department.
- The location of fire hydrants shall be reviewed and approved by the Fire Chief.
- All new fire hydrants shall be Kennedy K-81A with a Storz outlet as required by the Fire Department.
- The final stormwater plan shall be in compliance with the stormwater concept plan.
- After a year in operation, Sycamore Community Schools will return for a review of event parking operations by the Planning Commission.

Should you have any questions regarding the above information, please do not hesitate to contact me at [kchesar@montgomeryohio.gov](mailto:kchesar@montgomeryohio.gov) or (513) 792-8329.

Sincerely,

A handwritten signature in black ink that reads "Kevin Chesar". The signature is written in a cursive style with a large initial 'K'.

Kevin Chesar  
Community Development Director



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**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING**

CITY HALL · 10101 MONTGOMERY ROAD · MONTGOMERY, OH 45242

**November 20, 2023**

<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
<b>Nermine Banke Chairman Church of the Saviour 7492 Trailwind Dr., 45242</b>	<b>Jon Homer Director of Business Development Life Enriching Communities (LEC) Twin Lakes 6279 Tri-Ridge Blvd., Ste 320 Loveland, OH 45140</b>	<b>Kevin Chesar Community Development Director</b>  <b>Melissa Hays, Zoning and Code Compliance Officer</b>  <b>Karen Bouldin, Secretary</b>
<b>John Berry Trustee Church of the Saviour 137 Woodcrest Dr., 45242</b>		<u>COMMISSION MEMBERS PRESENT</u> <b>Dennis Hirotsu, Chairman</b> <b>Barbara Steinebrey, Vice Chairman</b> <b>Vince Dong</b> <b>Peter Fossett</b> <b>Pat Stull</b>
<b>Mark Combs 9295 Shallow Creek Loveland, OH 45140</b>	<b>Rick Huff 7516 Fawnmeadow Dr. Cincinnati, OH 45241</b>	
<b>Eric Day 9912 Forestglen Dr., 45242</b>	<b>Chris Philpott 10091 Humphrey Manor Ct. 45242</b>	<u>MEMBERS NOT PRESENT</u> <b>Andy Juengling</b> <b>Alex Schneider</b>

**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. Dong, Chairman Hirotsu (5)***

***ABSENT: Mr. Juengling, Mr. Schneider (2)***

**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:

## **Planning Commission Meeting**

November 20, 2023

24 “Mr. Chesar reviews his Staff Report and the Commission asks any questions they might have.  
25 The applicant presents their application and the Commission then asks any questions. The floor  
26 is opened to all residents for comments. If a resident agrees with a comment that was previously  
27 stated, they could simply concur, instead of restating the entire comment to save time. The  
28 Commission discusses the application and residents are not permitted to comment or question  
29 during this discussion. The Commission will then decide to table, approve or deny the  
30 application.

31  
32 Chairman Hirotsu suggested that we switch the order of the agenda items (in the interest of  
33 time), as the New Business will probably take much less discussion time. All members agreed.  
34

### **New Business**

35  
36 *An application from Twin Lakes for an extension request of a Final Development Site Plan*  
37 *Approval pertaining to 30 independent living units to be located at 10120 Montgomery Road.*  
38

### **Staff Report**

39  
40 Mr. Chesar reviewed the Staff Report dated November 20, 2023, “Application for an  
41 Extension of a Final Development Site Plan for Twin Lakes’ 30 Independent Living Units  
42 at 10120 Montgomery Road.”  
43

44 He showed drawings on the wide screen for all to see, to provide more understanding of the  
45 Staff Report.  
46

47 He indicated that there had been no calls or emails received regarding this application.  
48

49 He asked for any questions, noting that the applicant was also in attendance to answer any  
50 questions.  
51

52 Regarding the length of this extension, Mr. Dong asked if the applicant needed to start or finish  
53 this project within this upcoming year. Mr. Chesar stated that the applicant just needed to start  
54 the project, to meet the requirement.  
55

56 Mr. Fossett asked if this Commission had any ability / authority to reconsider the merits of the  
57 underlying Plan. Mr. Chesar stated that this was only a matter of extension or not. If this plan  
58 does not get extended, the applicant could come in with a new plan, or get started prior to  
59 January 1. Mr. Chesar stated that technically the Plan doesn’t expire until January 1, 2024.  
60

61 Mr. Chesar asked if Mr. Fossett had concerns about this Plan. Mr. Fossett did not; he was just  
62 inquiring as to the scope of the Commission’s duties this evening. Mr. Stull pointed out that the  
63 applicant came before this Commission with a proposed plan, and we offered suggestions. The  
64 applicant then came back a second or third time, and finally came up with a plan that this  
65 Commission approved. He did not feel it was appropriate at this time to specify changes, unless  
66 any of the Code pertaining to this had changed. Mr. Chesar confirmed that the base Code had  
67 not changed since then.

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## **Planning Commission Meeting**

November 20, 2023

68

69 Chairman Hirotsu asked if the applicant wished to speak.

70

71 **Jon Homer, Director of Business Development, Life Enriching Communities (LEC),**  
72 **Twin Lakes, 6279 Tri-Ridge Boulevard, Suite 320, Loveland, OH 45140** stated that it has  
73 been two years since this application had started. He noted that they were now able to focus on  
74 this project, and their goal was to have everything finalized, and start taking reservations in the  
75 first quarter of 2024. If all goes well, they could be onsite with construction, as early as spring of  
76 next year.

77

78 Chairman Hirotsu asked if the Board had any questions for the applicant. There were none.

79

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

81

82 **Eric Day, 9912 Forestglen Drive, Montgomery, OH 45242** stated that he was in support of  
83 new development, however he was concerned with this corner parcel because of the added  
84 traffic. He stated that this past year, it has been horrible between the hours of 3pm to 6pm, and  
85 with 30 additional units, possibly 60 individuals, he felt it would make the traffic even worse.  
86 He asked if there was any consideration or plan for this. He offered his services, as well as his  
87 father's, (as together they hold 50 years' experience in development), to make this a good thing  
88 for our community.

89

90 There were no other comments from guests or residents.

91

92 Chairman Hirotsu closed the meeting to public comment.

93

### **New Business**

95 ***An application from Twin Lakes for an Extension Request of a Final Development Site Plan***  
96 ***Approval pertaining to 30 independent living units to be located at 10120 Montgomery Road.***

97

98 Mr. Fossett asked if there had been a traffic study, based on the impact of the new development.  
99 Mr. Chesar was not aware if there was a traffic impact study, as this had taken place prior to his  
100 tenure. He noted that the road that actually services that area was put in by the City that services  
101 the Indian Hill development; he felt that all considerations for traffic would have been  
102 considered, from that aspect.

103

104 Regarding the access from Montgomery Road, and relating to the significant prime hours in the  
105 morning and evening, Mr. Chesar noted that the City is well aware of the congestion in that area.  
106 He added that the City was still working to try to bring on the access control management that  
107 they have for better timing of traffic lights – which will improve that situation. He was not sure  
108 of the status of it, but knew that Public Works was in the process of coordinating cameras, and  
109 internet and all necessary pieces to achieve this goal.

110

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## **Planning Commission Meeting**

November 20, 2023

111 Mr. Stull recalled that it had been discussed, as they had to have a specific volume of traffic to be  
112 able to put the traffic light in. He didn't remember the actual number.

113  
114 Chairman Hirotsu felt that 30 units was a relatively small amount, compared to other traffic  
115 studies done (since he has been on this Commission) for much larger projects, and the answer  
116 has always been very incremental.

117  
118 Mr. Fossett felt that bulk of the traffic was already flowing north and south on Montgomery, and  
119 if anybody would be inconvenienced by the traffic flow, it would be the people trying to go in or  
120 out of that new development. He was not suggesting that a traffic study be done, he simply  
121 wanted to understand the background.

122  
123 Ms. Steinebrey recalled that when they discussed the project, this would be more of a senior  
124 living situation, and there may not be a lot of cars, and they may not actually drive during those  
125 peak hours.

126  
127 Chairman Hirotsu asked if Mr. Homer had any history on this. Mr. Homer stated that they had  
128 made considerable improvements on Schoolhouse Lane – widening it, putting in turn lanes, and  
129 stacking, to accommodate both the Indian Hill traffic anticipated, as well as the potential of 30  
130 additional cars, at least, from this project. He explained that the villas were 2-car garages, but  
131 most were 1-car residents – they considered somewhere between 30 and 60 vehicles.

132  
133 Mr. Homer confirmed that this was all looked at. He explained that they placed 2 curb cuts,  
134 coming in, and they also considered how to alleviate the traffic within the development, on  
135 Schoolhouse. The traffic concerns they addressed related to Schoolhouse Road, not  
136 Montgomery Road – as they can't control that. He also noted that, for this development,  
137 62 was the minimum age, the average age is 81.

138  
139 Mr. Dong remembered this original application, that they went through extensive discussion,  
140 with much input from the residents; he felt they did a very good job with it. Chairman Hirotsu  
141 recalled a considerable amount of redesign that took place.

142  
143 ***Mr. Dong made a motion to approve an application from Twin Lakes for an extension request***  
144 ***of one year, beginning on January 1, 2024, of a Final Development Site Plan, pertaining to 30***  
145 ***independent living units to be located at 10120 Montgomery Road, as detailed in the***  
146 ***Staff Report dated November 20, 2023.***

147  
148 ***Mr. Stull seconded the motion.***

149  
150 ***The roll was called and showed the following vote:***

151  
152 ***AYE: Mr. Fossett, Ms. Steinebrey, Mr. Dong, Mr. Stull, Chairman Hirotsu*** (5)

153 ***NAY:*** (0)

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## **Planning Commission Meeting**

November 20, 2023

154 ***ABSENT: Mr. Juengling, Mr. Schneider*** (2)

155 ***ABSTAINED:*** (0)

156

157 ***This motion is approved.***

158

### **Old Business**

160 ***An application from Church of the Saviour, 8005 Pfeiffer Road, for reconsideration of***  
161 ***conditional use approvals pertaining to the clarification of counseling services provided by the***  
162 ***Church at Ministry Center, located at 8003 Pfeiffer Road.***

163

164 ***Mr. Dong moved to take this application off of the table.***

165

166 ***Ms. Steinebrey seconded the motion.***

167

168 ***All members unanimously approved.***

169

### **Staff Report**

171 Mr. Chesar reviewed the Staff Report dated November 20, 2023, “Application for  
172 Reconsideration of a Conditional-Use Approval Condition for Church of the Saviour,  
173 8005 and 8003 Montgomery Road.”

174

175 He indicated that there had been no calls or emails received regarding this application.

176

177 He showed verbiage on the wide screen for all to see, to provide more understanding of the Staff  
178 Report.

179

180 He asked for any questions, noting that the church members were in attendance to answer any  
181 questions.

182

183 Mr. Dong was concerned with the 24 hours – he asked if that number was not per supplier, but a  
184 total; was it one or two days/week? He also wondered how many counselors there would be.

185

186 Mr. Chesar stated that it was his understanding they did not want to have more than one patient  
187 there at a time, for confidentiality purposes. Their intent was to block the time, but not limit it to  
188 specific days or personnel. Mr. Chesar deferred to the applicant.

189

190 Mr. Dong was also concerned with the community and the impact on the community. He felt  
191 that on the weekends, there would be more children around, and that they should be cognizant of  
192 that. He believed that mental health was a serious issue, something that is happening in the  
193 entire country, and it is a very complicated issue. He understood that this was a great  
194 opportunity, but what if there were sex offenders or addicts coming here. He was concerned  
195 with this, in the neighborhood, and near residents. You don’t know who is or isn’t, but when you  
196 open it up so widely, it includes many areas, which could include drug addicts. We need to think  
197 about this, not just for the Church, but for public safety, as well. He asked if there was a liability

## **Planning Commission Meeting**

November 20, 2023

198 for the City to allow this, or if there was liability to the Church. He had concerns with the  
199 consequences because it was open to the public. He felt this was a very difficult situation that  
200 we have no control over. He appreciated the positives but was concerned with the negatives.

201  
202 Mr. Chesar wanted to point out that the Code currently allows a counseling service, as a home  
203 occupation, to operate from anyone's home, throughout any residential district. You could have  
204 a drug addiction counselor, operating as a home occupation, and they would be allowed one  
205 additional employee. As long as you met the criteria – and the most restrictive item was that you  
206 couldn't use more than 25% of your residence, and you could not operate out of the garage.

207  
208 Mr. Stull stated that the Church has a kindergarten in their school. This is basically running a  
209 school out of a church. He asked if counseling out of the church was any different than running  
210 a school out of the church. Chairman Hirotsu added that day care is written into the Code as a  
211 permitted use.

212  
213 From the perspective of Planning Commission's previous decision, Mr. Chesar stated that, as the  
214 Law Director noted, it had already been considered as an associated use, approved in 2019.  
215 He read from Terry Donnellon's email, dated November 17, 2023 (also included in the  
216 Commission's packets):

217 "Counseling itself, as associated with the Church, is approved by virtue of this coming  
218 before them, and getting approved in 2019."

219  
220 Mr. Dong corrected, noting that it was "faith-based" counseling that was approved.

221  
222 Mr. Fossett stated that Mr. Donnellon's memo points out, "expanding the nature of the  
223 counseling *reopens* the question".

224  
225 Mr. Fossett referred to page 6 of the Staff Report, stating that he reads Conditions a and b  
226 together, and interprets them as behavior and mental health being the boundaries of the type of  
227 counseling that would be permitted in the Church. Meaning that it couldn't be financial  
228 counseling or career counseling – is that correct?

229  
230 Mr. Chesar stated that at the last meeting (October 2, 2023) there was a discussion on the  
231 meaning of "faith-based" and it was determined to be a specific form of counseling.  
232 The Planning Commission's intent (in 2019) was to ensure that their counseling was in some  
233 way associated / related to the Church. Mr. Dong stated that the Church brought that language  
234 (faith-based) to the Planning Commission (PC); we did not create that. And Bassett  
235 Psychological Services even came before us, and they discussed it, with that proposed language.

236  
237 Chairman Hirotsu asked if the applicant would address this question.

238  
239 Mr. Fossett again asked if the point in the proposed language of conditions a and b on page 6,  
240 was to limit the counseling services only to behavioral and mental health counseling.

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241 Mr. Chesar stated that he was simply suggesting and offering verbiage; he was not implying a  
242 limitation.

243  
244 Mr. Chesar explained the history regarding conditions c and d, noting that there was a lengthy  
245 discussion about payment at the last meeting (October 2, 2023). Item c was originally (in 2019)  
246 intended by the applicant to mean that the Church would not charge the counselor to use / lease  
247 their facilities. The City and PC understood that verbiage to mean that the patient would not be  
248 charged or paying, else it would constitute a commercial business.

249  
250 Mr. Chesar explained that last month (October 2, 2023), there was much conversation with the  
251 applicant, as they did expect that money/insurance would dispense between the patient and the  
252 provider. This led into more discussion about HIPPA, knowing what people were coming for. If  
253 the Church paid for some patients or awarded scholarships, were they a qualified mental health  
254 institution? If the patient pays, versus the Church, does it constitute a commercial business then?  
255 He again deferred to the applicant.

256  
257 Chairman Hirotsu stated that the payment was an issue for him; does that exchange of money  
258 then constitute this as a business, and then, the nature of what we are approving. This is why he  
259 specifically asked for Mr. Donnellon's (Law Director) point of view, which is that it doesn't  
260 change the nature of this, it is neither disapproved, nor is it automatically within our Code.  
261 Mr. Donnellon noted that the PC has the authority to make a decision, and put conditions on it, if  
262 we choose.

263  
264 Mr. Fossett felt that Mr. Donnellon's memo said that payment for services does make this a  
265 commercial use, and we need to decide if the new model of having patients pay for their services  
266 takes this out of an associated use that we want to allow.

267  
268 Mr. Stull gave an example of the Church holding a fish fry: people pay for the fish, and it is a  
269 public event. Is this a commercial business? Chairman Hirotsu had more concerns about  
270 individuals paying for day care at the Church --and that is actually approved in our Code.  
271 Mr. Stull asked if this could be permitted if the patient was a member of the congregation, as  
272 opposed to the public; does that change the perspective because then they are providing a service  
273 to their community, their charter. Is that an alternate option that would allow them to proceed?  
274 Chairman Hirotsu asked how we would know if they were a member or not. Mr. Stull  
275 acknowledged that there were always unknowns – how would you know if they were providing  
276 faith-based counseling?

277  
278 Mr. Chesar stated that even when Bassett was offering this before, it could have been to anyone,  
279 and the same for the day care – it is provided for the whole community.

280  
281 Mr. Chesar read from Mr. Donnellon's memo, page 2:  
282 "Are we concerned that while counseling is an associated use, it is also a commercial use  
283 in a residential district? When counseling was previously approved, the understanding  
284 was that the Church would pay the counselor. Payment for services does make this a



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285 commercial use, but is it less intrusive if the payment comes from the Church rather than  
286 the patient? ...but this is for the Planning Commission to decide.”

287  
288 Mr. Stull asked if he went there (not being a member of the Church), versus a Church member,  
289 would the Church would pay?  
290

291 Chairman Hirotsu asked if the applicant wished to speak and address some of these questions.  
292

293 **Nermine Banke, Chairman, Church of the Saviour, 7492 Trailwind Drive, Montgomery,**  
294 **OH 45242** stated that they came back to PC, specifically to change the verbiage “faith-based”.  
295 She explained that, as they were looking for providers, they were made aware from the provider  
296 that it was a specific type of counseling, and legally, professionally, this is not recognized.  
297

298 Ms. Banke stated that the Church’s intention was to provide a ministry to the community, it is  
299 not intended as a profit center for the Church or for any provider. They want this to be for the  
300 community, not limited to their congregation, and nothing will be pushed religiously on anyone.  
301 They do not want to put barriers in place to prevent anyone from coming to receive help.  
302

303 At the last meeting, they were made aware of the misunderstanding of who is paying. Every  
304 time we have this conversation, there are concerns about mental health and individuals with  
305 mental health issues. And this is all part of the stigma that we are all trying to understand.  
306 Times have changed, especially after COVID.  
307

308 Ms. Banke explained that they were looking to help folks in this community. Whether they have  
309 an issue that I want to know about or not know about, this is about providing help or not  
310 providing help. As a personal neighbor who lives close to the Church, Ms. Banke does not have  
311 a concern that “crazy” people are coming to our neighborhood. We all have to stop viewing it  
312 that way – they are really our friends and neighbors and their children – who have anxiety and  
313 other problems. These are the people we are serving.  
314

315 Chairman Hirotsu stated that a question came up about why people didn’t just go to the  
316 counseling office. Ms. Banke stated that the anxiety and the stigma around mental health is such  
317 a problem that it also prevents folks from going specifically to a hospital or a mental health  
318 facility. The fact that this is a house with a parking lot – makes it less intimidating. And, also  
319 this is what we have to offer for the providers and the community’s space. This doesn’t mean  
320 that our relationship with a provider will then preclude them from doing counseling in their own  
321 space – that can be part of it, for sure.  
322

323 Mr. Fossett understood that this will provide a convenience for the community by bringing  
324 counselors into the community, so they are closer to the people in the community and it is easier  
325 for them to get to the services they need, as opposed to having to find out where a doctor’s office  
326 is and drive somewhere to their office; instead they could possibly walk there. Ms. Banke agreed  
327 that physical proximity is also an advantage. The Church can also use the location and the  
328 facility as our leverage to get emergency scheduling preferences with a provider. One of the

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329 hardest things right now for mental health is simply getting scheduled quickly with a provider.  
330 This is another advantage for those coming to the Church.

331  
332 Ms. Banke pointed out that the Church has a long history with Sycamore Schools; some of heart  
333 behind this idea stems from a suicide at Sycamore many years ago. There were many people in  
334 their congregation involved with that. One of the folks in the congregation was a counselor at  
335 Sycamore at the time. This is why it is good to be close to the schools. And that is why they  
336 were working with Bassett and children. But now they will also have providers for adults.

337  
338 Ms. Banke noted that they do not want this to be about one provider; they have a parishioner  
339 who is a music therapist that is also interested to help. They want to offer the space and need to  
340 have the proper language to be able to contract with providers that works for mental health today  
341 because they are hard to come by, it is competitive, and it is hard to get appointments. There is a  
342 lot of touchiness of how we use our language as lay people, when it comes to their profession.

343  
344 Ms. Banke wanted to address Mr. Dong's concerns with the volume and restriction on volume.  
345 She pointed out that the Church has something going on in their buildings from 8am to 9pm,  
346 pretty much every day of the week. The additional cars and traffic for this service would be  
347 completely unnoticeable. This will not be a major volume, as they are only using 25% of what  
348 used to be a residence; the overall space is fairly small. They can certainly put in a contract how  
349 many hours they will allow each provider, but not necessarily put timed hours on it. The odds are  
350 that there will be only 1 or 2 people in there at any one given time.

351  
352 To address the concern that a business is making profit from this center, Ms. Banke felt it made  
353 sense to restrict how much any one provider can be there, because then it cannot be their sole  
354 business.

355  
356 Chairman Hirotsu closed the meeting to public comment. He asked for comments/questions  
357 from Board members.

358  
359 Mr. Fossett asked if it was their intention to provide counseling related to mental health.  
360 Ms. Banke confirmed. He wanted to be sure that we have the proper language that describes the  
361 service they provide, but also restricts it from the counseling they are not providing, perhaps  
362 such as career or financial counseling. Ms. Banke explained that, being a Church, they have all  
363 kinds of opportunities - they provide health classes, they have Dave Ramsey – who is a financial  
364 planner; but the difference is that these are not ongoing counseling services. She asked that they  
365 adjust the language to avoid restricting those types of events.

366  
367 Mr. Fossett felt there was a difference between the Church bringing in someone to give a  
368 seminar or conference, and the Church renting out space to a third party who would operate their  
369 professional operation in the Peace House. He felt that the correct verbiage for the operation in  
370 the Peace House would be mental health counseling. Ms. Banke agreed.

371

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372 Chairman Hirotsu asked if they would do marriage counseling, as he wanted to be sure of what  
373 the Commission was approving. Ms. Banke believed that the Pastor did the marriage counseling;  
374 but she was not sure. Chairman Hirotsu wanted to use very specific language, for approval.

375  
376 Ms. Banke stated that they were here for behavioral therapy and mental health.

377  
378 **Chris Philpott, 10091 Humphrey Manor Court, Montgomery, OH 45242** stated that part of  
379 the problem is that they haven't lined up the counselors yet, and won't, until they have the green  
380 light to do so. It might happen that a counsellor they contract also provides marriage counseling,  
381 -- they haven't crossed that bridge yet. He agreed to put these limits on them, and if they have to  
382 come back, for some unforeseen items, they will do it. Today, mental health is the issue and  
383 behavioral therapy is a strategy included in mental health.

384  
385 Ms. Banke ensured the Commission that that they were not renting or leasing to the counselors.  
386 They do not want any of the providers to feel like this is their space; it will be a common-use  
387 space – they will not leave any of their information in these offices. Many of them will not want  
388 to be in the building at the same time. Someone may have the space on Monday/Tuesday and  
389 someone else on other days.

390  
391 Mr. Fossett asked if the counselors will do this without any direct oversight from the Church.  
392 He noted that the Church enters into an agreement with the counselors, allowing the counselors  
393 to use the space, but then the Church is removed from the operation. Ms. Banke confirmed, and  
394 because of HIPPA, they will not even know who came and who left.

395  
396 Ms. Steinebrey asked how the providers will schedule the time, if the Church has any idea.  
397 Ms. Banke stated that, in some conversations with counselors, the Church will offer windows of  
398 hours for each counselor, and the Church will not know how many people they will see in that  
399 time. They may have an 8-hour block, and they many only see 1 or 8 patients in that time.

400  
401 Mr. Fossett pointed out that this speaks to the point of convenience, by making it easier for  
402 someone to see a therapist, instead of having to schedule an appointment, they could just walk  
403 up. Ms. Banke was unsure about that, because there is a lot of patient onboarding; she felt they  
404 would more likely make an appointment through the practice – and the convenience piece comes  
405 in by asking them where they would like to meet. This will allow them to use practitioners from  
406 all over the city.

407  
408 Mr. Fossett asked if the Church would be advertising this service, or if the patient would need to  
409 find the practitioner and then learn if they are offering services at the Church. Ms. Banke stated  
410 that the Church would have the connection with the patients, via the congregation and the  
411 community and the schools. The Church would never help them make an appointment.  
412 Chairman Hirotsu noted that the Code permitted them to advertise in their Church Bulletin, but  
413 they could not put a sign outside of the Church.

414

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415 Mr. Dong had concerns with violent mental health, and how to mediate that, because of this  
416 being in a residential area. He did not know if they had the facilities to control that. He asked if  
417 there was a way to deal with this, perhaps in the contract. Mr. Philpott stated that this is hard to  
418 predict. Mr. Dong agreed, but pointed out that is why we don't have mental health facilities in  
419 the center of our residential neighborhoods.

420  
421 Mr. Philpott noted that they were 100 yards from Bethesda North Hospital. There was more  
422 discussion. Mr. Philpott stated that their focus was mostly on youth. He didn't know how they  
423 could identify violent situations. Ms. Banke stated that part of it is who they choose to partner  
424 with – they would not choose to partner with someone who specializes in sexual addiction.

425  
426 Mr. Dong asked, what if something bad did happen, how would you deal with it, or how could  
427 you have prevented it? Ms. Banke stated that there was no easy answer to this. Mr. Philpott was  
428 not sure, but thought that the counselors were required by law, to report to the authorities, if  
429 someone was having harmful thoughts. He stated that they could also remind the counselors of  
430 this, in the contract between the Church and the counselor.

431  
432 Mr. Fossett wanted to clarify that their objective was to serve the existing community, not to  
433 reach out and bring people in from outside of the community; so if there was someone who  
434 presented violent tendencies, it would probably be from someone within the community.  
435 It would not be drawing in someone from outside the community. Mr. Philpott agreed, but also  
436 pointed out that as our therapists build relationships with Sycamore Schools, the school may get  
437 a reference about a child from another school. Chairman Hirotsu felt that we had many people in  
438 our community right now (some even violent) who have mental health issues and need this help.  
439 This was the main point for him – for us to help our community, and prevent suicides and violent  
440 acts.

441  
442 Ms. Steinebrey thought that if the counselor felt someone was a threat, that they would not  
443 choose to meet them at the Peace House, where they were fairly contained. She felt that they  
444 would go to an office where there were other counselors and people around. Ms. Banke agreed  
445 with Ms. Steinebrey, and stated that this point did come up with one of the counselors – that  
446 there was not enough traffic or volume (it was unrelated to this situation), for certain clients.

447  
448 Mr. Dong asked if they planned to use this 24/7. Ms. Banke stated that she felt it would be just  
449 weekdays, during the time they have other church activities. She felt it would be between 8am  
450 and 9pm, but not sure what days. She asked what would it matter what days it was limited to –  
451 maybe they would hold it on Saturday, but not Friday. She pointed out that because there would  
452 be so few, it wouldn't be noticed, by the traffic and volume. Mr. Dong felt that if it is was 24/7,  
453 it would appear to be more like a commercial business. Mr. Philpott suggested that they provide  
454 a total hours per week – 60 hours/week maximum, regardless of how many providers there were.  
455 There are only 2 therapy rooms available. When you consider that it is between 4-6 different  
456 providers, 60 hours is not a lot.

457

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458 Ms. Steinebrey referred to page 6 of the Staff Report, Item 2: ..and no single counselor can  
459 provide more than 24 hours/week to ensure the site does not function as their primary office  
460 location. Mr. Chesar stated that this was just suggested verbiage from Staff, which is open to be  
461 changed.

462  
463 Mr. Fossett suggested 3 different limitations: 1) hours/counselor 2) hours/counseling service  
464 and 3) total hours/week.

465  
466 Mr. Philpott wanted to clarify the consternation around fees. He felt that if the preschool was a  
467 permitted use, and they charged students for preschool, why wouldn't the counseling service be  
468 the same, as it mirrored the same model. He stated that the providers of the nursery school have  
469 their own EIN, yet they are part of the Church.

470  
471 Mr. Fossett asked about the relationship between the preschool and the Church. Mr. Philpott  
472 stated that the preschool thought they were their own entity, but they are not, they are part of the  
473 Church. Mr. Fossett pointed out that was the difference because the Church is providing  
474 preschool services, but the Church is not going to be providing counseling. Mr. Philpott stated  
475 that the counselors will report through the Church - be hired and terminated by the Church, much  
476 like the preschool teachers.

477  
478 Mr. Fossett stated that from earlier conversations, he thought that there was no relationship or  
479 oversight with the counselors, just that the Church would arrange for the counselors to come in  
480 and provide services. Mr. Philpott stated that they would be hands-off the counseling, but they  
481 would be hands-on, as far as who will do the counseling at their facility. Ms. Banke stated that  
482 they will partner with providers that they choose, and the providers would have a contract with  
483 the Church, for use of space, liability, insurance coverage, etc. They could also include  
484 conditions in their contract, such as the weekly hour maximum.

485  
486 Mr. Fossett asked if their preschool providers held preschool anywhere else, or if it was only in  
487 the Church. Mr. Philpott stated that this preschool has been with them for 60 years. Mr. Dong  
488 pointed out that day care was a permitted use, whereas counseling was an associated use – that is  
489 the distinction. Mr. Chesar pointed out that the Law Directory's memo stated that the definition  
490 is not all encompassing – there are associated uses that are common place, or that are actually  
491 with a Church or institution. Mr. Chesar stated that the definition is clearly not all encompassing  
492 because something is always evolving.

493  
494 Ms. Banke agreed, noting that churches are trying to serve the community and their needs, and  
495 this is clearly a need. She stated that they looked at other models and the only way it would  
496 work for the Church was through a third -party, because they don't have all of the necessities to  
497 hire a counselor; and that would be a huge undertaking.

498  
499 Mr. Fossett asked if the Church had any control over the curriculum over the preschool.

500 Ms. Banke stated that they did not. The preschool has its own Board. The Church Board hires

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501 the Director of the preschool and they approve the preschool Board. There are 9 Board  
502 members, and they ask that 5 of them be members of the Church.

503  
504 Chairman Hirotsu asked what the oversight structure would be for the mental health service.  
505 Mr. Philpott stated that the Church Board would review the providers that were chosen; it has  
506 been discussed if they should elect its own (subset) board, but this has not been determined yet.  
507 Ms. Banke stated that there would be a contract with the counseling providers.

508  
509 Mr. Chesar asked who would decide on termination of a provider. Ms. Banke stated that it would  
510 be the Church Board. Mr. Dong asked how you oversee, if you don't know who the patients  
511 are. Ms. Banke stated that it wouldn't be on an individual counselor level; obviously, reputation  
512 would be a huge part of who is brought in. It would be through client complaints, and failure to  
513 adhere to our guidelines, compliance issues and customer satisfaction issues. Ms. Banke stated  
514 that it is also safer for them to use a provider who has multiple counselors, because that provider  
515 looks over their counselors.

516  
517 Mr. Dong felt that one of the contract points might state that 80% of the time, you would need to  
518 have counseling for someone. This would encourage the success of this service, and not allow  
519 for wasted time. If they had so many hours, and did not use them, that would be a dis-service.  
520 Ms. Banke was in favor of this contract condition, but also noting that counsellors don't receive  
521 payment if they are not seeing clients.

522  
523 Mr. Fossett asked how hard it would be for the Church to acquire property in a commercially  
524 zoned part of Montgomery in which to house the counselors and to completely avoid all of these  
525 questions of whether this is a commercial use. Mr. Philpott stated that would not be financially  
526 feasible. He stated that the pastoral staff preferred not to live on campus, and this was the  
527 highest, best use of an existing facility; so they engaged in a \$400,000 renovation of this home.

528  
529 Chairman Hirotsu asked if there were any other questions from the Board. There were none.

530  
531 He had crafted a list for the Commission to discuss, noting that these were items that could be  
532 covered by conditions. He suggested discussing one at a time, and also invited the  
533 Commissioners to add their own items:

- 534  
535 1) Qualifications of counselors and should we require licensing?  
536 2) How do we restrict the hours?  
537 3) What limits do we have to keep it from being a commercial enterprise versus an  
538 accessory use?  
539 4) How do we / or do we, exclude people we deem unsafe; is there a way to do that?  
540 5) Oversight from the Church, rather than the business providing its own oversight?

541  
542 Mr. Fossett stated that if the Commission decided that the counseling arrangement that the  
543 Church was proposing looked like a commercial business, then that would be the end of the  
544 issue. He thought this should be the first discussion.



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545  
546 Mr. Chesar clarified that this application related to the faith-based aspect. You cannot revoke  
547 what has already been approved in 2019. The Planning Commission and City Council have  
548 already approved their conditional use - as faith-based. Mr. Fossett pointed out that there was  
549 nothing in the original approval that talked about patients paying the counselors. Mr. Chesar  
550 explained that this is where the misunderstanding came in: regarding item c on page 6 of the  
551 Staff Report, the City understood this to mean that there was no charge for the counselors; the  
552 Church understood this to mean that they were not going to charge a lease or rent to the  
553 providers.  
554  
555 There was more discussion among the Commissioners, and it was determined that the basis of  
556 this application was that there needed to be an agreement on item c between both parties – by  
557 means of additional, clarifying verbiage, whether it be as Mr. Fossett’s point or anything else.  
558  
559 Mr. Fossett felt there was a difference between the Church providing a food pantry and the  
560 Church allowing a grocery store to operate out of its base; but the day care presents the same  
561 issue, yet it was permitted. He couldn’t decide if there was enough difference between the  
562 relationship between the Church and the day care versus the relationship between the counselors  
563 and the Church, for us to accept that day care was ok, but counseling was not. Mr. Stull  
564 explained that the day care was in the Code as a permitted use, and this counseling was not – it  
565 was listed as an associated use. This takes us back to the payment situation, and if we see this as  
566 a commercial use.  
567  
568 Mr. Fosset understood how a Church could offer the counseling, but when the Church goes  
569 beyond providing the counselor, and allows professional counselors to charge clients for  
570 counseling services on Church property, that looks different.  
571  
572 Mr. Stull offered another option: the Church offers this service to their parishoners, and if you  
573 are a mental health counselor and want to come in and counsel, we will give you the space, as  
574 long as you don’t charge for your services. Mr. Dong agreed with this. Ms. Banke noted that  
575 they would not find counselors who would work for free.  
576  
577 Ms. Steinebrey felt this was a needed service for children, and she understood that the Church  
578 could not afford to pay for counseling. Hopefully, some of the people could get supplemented  
579 from their health insurance to help pay for these services. She would like to let the patient pay  
580 the provider, and have the space given for free. She felt the need was too great to get mired in all  
581 of the technicalities.  
582  
583 Mr. Dong agreed with the need for counseling. He felt that we could alleviate the “commercial-  
584 use” issue, by limiting the hours/days so that it could be considered as a satellite. To have it 5  
585 days out of 7, would make it feel like a commercial business, to him.  
586  
587 Chairman Hirotsu agreed with the others, and stated that if we approved this, we would be  
588 setting a precedent. Mr. Fossett stated that precedents were always fact-specific, and the only

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589 way this would be a precedent for any other operation would be if another Church decided to  
590 come in and ask to provide counseling in their own building; it would not set precedent for  
591 anything else. Mr. Hirotsu agreed, and felt strongly about setting conditions that would prove  
592 this to be a unique situation.

593  
594 Mr. Fossett stated that if this was Mr. Philpott's personal residence, the Code would permit him  
595 to operate a full-time licensed counseling service in that building, with one additional employee,  
596 and no more than 25% use of the residence. Mr. Chesar pointed out that one condition to limit  
597 space would be to keep this in the 2 therapy rooms of the Peace House, which were less than  
598 25% of the Peace House. This would not be applicable to any other Church.

599  
600 Chairman Hirotsu would like to also put conditions on the hours for the provider, and for the  
601 business. He asked all members if they were ok to proceed with this application (setting  
602 precedent), if we placed conditions on it.

603  
604 Mr. Fossett was in agreement because of the importance of the service and because the Law  
605 Director clearly stated that it is within the meaning of associate use; and even if the clients are  
606 paying for the service, we can decide that this is an appropriate associate use for a Church.  
607 Even though it felt commercial to him, Mr. Fossett felt that conditions associated with this  
608 application could offset that.

609  
610 Chairman Hirotsu felt that the Commission was leaning in the way of Mr. Fossett's thinking,  
611 and asked if they could discuss conditions. There was much discussion, and the following  
612 conditions were proposed:

- 613  
614 1) Counseling services at 8003 Pfeifer Road shall comply with the following conditions:  
615 a. Counseling services offered at 8003 Pfeifer Road will be limited to mental health  
616 counseling by licensed professionals.  
617 b. Services will be contracted by and monitored by the church board;  
618 c. Counseling space will be less than 25% of the total floor area and no more than  
619 XX square feet; and,  
620 d. There will be no charges for the counselor's use of the space;  
621 e. A patient may directly compensate a provider for mental health counseling.  
622 f. An individual provider/company will not operate more than 20 hours per week.  
623 g. No more than 40 hours of operation (building open for counseling) per week in  
624 total for all counseling services is permitted.  
625 h. All counseling services shall be provided between the hours of 8 a.m. to 9 p.m.  
626 i. There will be no signage for the provider of services.  
627 j. No counseling provider/company shall operate their principal office on the site;  
628 k. Pending the Law Director review, approval of final language; no person identified  
629 as a danger to the community can be provided services at the site (for example, no  
630 registered sex offender or person convicted of felonious or aggregated assault) out  
631 of concern for the community and the preschool on site.

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- 632                   1. One year from the start of services, the applicant shall update the Planning  
633                   Commission on the status of operations.
- 634           1) A continuous evergreen screen be planted between the existing driveway and the adjacent  
635           property to the west in compliance with the plan presented to City Council at the public  
636           hearing and approved by Staff and the City Arborist.

637

638 Mr. Fossett felt that while some of these conditions might seem to be very limiting, and would be  
639 very difficult to track, at least if something came up down the road, if we establish clear  
640 conditions, then we have guardrails to fall back on.

641

642 Mr. Philpott came up with numbers that would be manageable with a total hours / week with  
643 counseling. He had experience with his own challenging staffing issues per week. He felt this  
644 would limit what they were trying to accomplish. They could divide it up between providers and  
645 this would address the Commission's concern.

646

647 There was discussion on how to provide verbiage concerning violent behavior. Mr. Dong  
648 suggested something be put in the contract between the Church and the provider, such as no  
649 violent or suspected violent clients. Mr. Fossett did not think this was practical. Mr. Stull  
650 agreed. Mr. Dong asks how you can allow this, but not provide safeguards. This is in a  
651 residential area with a day care right next to them; he felt that we would be negligent not to  
652 include something because there is a possibility that this could happen. Suggested verbiage for  
653 the Church's contract with the provider: If a counselor providing services at 8003 Pfeiffer,  
654 determines that a client presents a danger to the community, then that provider shall no longer  
655 see the client at 8003 Pfeiffer. It was undecided if this was permitted, legally. Ms. Banke stated  
656 that they would pursue professional information regarding this situation. Mr. Chesar offered a  
657 statement "to be reviewed by the Law Director, prior to City Counsel approval". Mr. Dong felt  
658 that the Church should be the ones to determine this. Mr. Fossett felt that it would make sense  
659 for us to put something in our conditions, and hope that the Church puts something in their  
660 contract with the provider. There was concern among members about counseling a sex offender  
661 within such close range (100 yards) of the day care. We could then ask the Law Director to  
662 make sure we have appropriate verbiage for that requirement.

663

664 Mr. Philpott noted that if the limit got to its maximum and there was still a great demand, they  
665 will come back before the Commission, to see if they can expand. They will then also have a  
666 good sense of how it may have impacted the neighbors – if it felt like a commercial use.  
667 He appreciated the Commission's concern, but knowing where that building sits on the property,  
668 and how it works, the Church does not see this as being a big issue.

669

670 **Rick Huff, 7516 Fawnmeadow Drive, Cincinnati, OH 45241** stated that he has been with  
671 Church of the Saviour, especially working on the Peace House, since the beginning, when it was  
672 a rectory, prior to the remodel. He invited the Commission to come to the Church and see the  
673 Peace House. He stated that he could answer many questions. He had concerns with limiting the  
674 people or hours -- what does a counsellor tell a mother who has a crisis and needs to see  
675 someone as soon as possible. And he says my hours are up this week at the Church, how about

## **Planning Commission Meeting**

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676 next week. Mr. Fossett noted that it was an inherent problem in this service; and they also have  
677 another office.

678  
679 There was discussion about the process, given the Law Director's recommendation of verbiage  
680 (or not). The choice was to have this come back before Planning Commission for their approval  
681 of the Law Director's decision, or to move it along to City Council, as it is ultimately their final  
682 decision. Mr. Chesar gave timelines, noting that this would take more time. Commission  
683 members wished to see the final verbiage before making the recommendation to City Council.  
684 The Commission discussed their availability for their next PC meeting/s.

685  
686 Chairman Hirotsu asked if any guests or residents had comments. There were none.

687  
688 ***Pending the Law Director's review of the proposed modified conditions, Mr. Fossett made a***  
689 ***motion to table the application from Church of the Saviour, 8005 Pfeiffer Road, for***  
690 ***reconsideration of conditional use approvals pertaining to the clarification of counseling***  
691 ***services provided by the Church at the Peace House, located at 8003 Pfeiffer Road, as detailed***  
692 ***in the Staff Report dated November 20, 2023.***

693  
694 ***Mr. Dong seconded the motion.***

695  
696 ***The roll was called and showed the following vote:***

697  
698 ***AYE: Ms. Steinebrey, Mr. Dong, Mr. Stull, Mr. Fossett, Chairman Hirotsu*** (5)  
699 ***NAY:*** (0)  
700 ***ABSENT: Mr. Juengling, Mr. Schneider*** (2)  
701 ***ABSTAINED:*** (0)  
702

703 ***This motion to table the application is approved.***

### **Staff Update**

706 Mr. Chesar asked if the Commissioners were interested in keeping the start-time of future  
707 Planning Commission meetings at 6:30pm or 7:00pm. It was unanimously decided that we will  
708 start the future Planning Commissions meetings at 7:00pm.

709  
710 Chairman Hirotsu referred to Montgomery's Moment program, specifically the online survey.  
711 He noted that an idea was presented that Montgomery Road would not be a two lane road north  
712 and 2 lanes south, in the Historic District. Mr. Chesar stated that it didn't mean it was actually  
713 going to happen, just a question as to what you preferred, mostly based on visual preference.  
714 They are looking into more outdoor dining, and then narrowing the road in certain places.  
715 They are asking what people prefer in the Historic Center. This is more information gathering  
716 from residents. Mr. Chesar encouraged members to take the survey, and see others' comments.  
717 He pointed out that any changes will ultimately come through this Commission. Mr. Chesar  
718 stated that he will keep the Commission updated on this program, but also encouraged the two  
719 representatives that are on this Commission to do the same.

*These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.*

**Planning Commission Meeting**

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720

721 **Council Report**

722 Ms. Bissmeyer was not present; there was no Council Report.

723

724 **Minutes**

725 Mr. Dong moved to approve the minutes of October 2, 2023, as submitted.

726 Ms. Steinebrey seconded the motion. The Commission unanimously approved the minutes.

727

728 **Adjournment**

729 Mr. Dong moved to adjourn. Mr. Stull seconded the motion.

730 The Commission unanimously approved. The meeting adjourned at 10:00 p.m.

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737 \_\_\_\_\_  
Karen Bouldin, Clerk

\_\_\_\_\_

Dennis Hirotsu, Chairman

\_\_\_\_\_

Date

738

739 /ksb

DRAFT