

**November 20, 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 Twin Lakes for an Extension Request of a Final Development Site Plan Approval pertaining to Thirty Independent Living Units to be located at 10120 Montgomery Road.

6. Staff Report
7. Approval of Minutes: October 7<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 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.)**





## 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  
**Date:** Friday, November 17, 2023 2:36:42 PM

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Kevin:

You asked me to provide some guidance to you and the Planning Commission in considering the application of the Church of the Saviour to modify the conditions relative to counseling services being offered on the church property. The Church has requested the Planning Commission to reconsider the prior conditions for approval which restricts their counseling services to *faith-based counseling*. The church believes this may be too restrictive given the fact that different persons may require different therapies, and to provide the best support to the community they do not want to limit the use of those facilities to strictly faith-based counseling. The question you posed is can the Planning Commission make the modification consistent with their authority under the Code?

*Places of Worship* are recognized as conditionally permitted uses. Our Code does not restrict a Place of Worship to strictly being a church providing space for congregants to worship. It recognizes under §151.2007(Q)(9) that a Place of Worship may have **associated uses**. Some of these associated uses such as a faculty residence are outlined in the Code. However, it is not an exclusive list, but simply an example of the associated uses permitted through a Place of Worship. Once the Planning Commission recognizes that an associated use is consistent with the conditional use category, the Planning Commission may prescribe such supplemental conditions and safeguards as necessary to meet the criteria of §151.2002.

The Planning Commission's role is to review and act upon the application for a conditionally permitted use. The Planning Commission is to apply the general criteria of Chapter 151.20 and specific criteria as applicable to Places of Worship. Under Code §151.2001(B), we recognize that there are an ever-increasing number of new and unique uses which we cannot predict or project in our Code. We can only evaluate the proposed associated uses on a case-by-case basis consistent with the general and specific criteria for Places of Worship. When applying these criteria, the Planning Commission is not rewriting the Code when it recognizes an associated use, the Planning Commission is simply following their outlined task, which is to apply supplemental conditions to mitigate the impact of the conditionally permitted use.

When the Planning Commission last visited this application, the Planning Commission found that counseling was an appropriate associated use for Church of the Saviour. The Planning Commission then proposed certain conditions on the counseling services such as total office space which can be devoted to that associated use. We must accept the fact that the Planning Commission previously determined that it believed these conditions were sufficient to allow counseling as an **associated use**. The question now facing the Commission is whether expanding the menu of therapeutic modalities requires new supplemental conditions, or is the faith-based

counseling alone an associated use and all other forms of counseling are not associated uses?

I appreciate the Planning Commission's concern that an associated use can very quickly morph into a business use inconsistent with the residential community or the conditionally permitted use. We already have determined that counseling is an associated use. We have imposed space limits to control counseling on site. Does expanding the menu of treatment modalities need further restrictions? It is an issue for the Planning Commission to discuss and determine is it more intrusive to offer different treatment modalities? If the concern is that expanding the menu of services makes this too much like a counseling office and not simply an associated use, perhaps limiting the time that such counseling could be offered gives the Planning Commission that comfortable control.

When approving the associated use, there always is a concern about setting a precedent. However, keep in mind, this associated use was approved four years ago and no other conditionally permitted use property has come forward to ride this approval for their own proposed associated use. However, each property and its location are unique, and each case would be evaluated separately to determine if the associated use would negatively impact surrounding properties.

Are we concerned that while counseling is an associated use, it also is a commercial use in a residential district? When counseling previously was approved, the understanding was that the church would pay the counselor. Payment for services does make this a commercial use, but is it less intrusive if the payment comes from the church rather than the patient? If we accept counseling as an associated use, I am not sure it is more intrusive if it is patient paid, but this is for the Planning Commission to decide.

No doubt this is a very difficult issue to resolve since providing mental health services to the community is an important goal of our City leadership. We further appreciate the fact that the Planning Commission does not want to stretch the associated uses to an extreme and create a business within our residential district. To prevent that from happening, the Planning Commission, under their general authority, has the right to proscribe supplementary conditions and safeguards. If expanding the menu of therapies is acceptable, but limiting the hours of service keeps this from becoming an office use on a church campus, the Planning Commission may be appropriately limiting the request to preserve the residential integrity of the district.

I hope this is helpful. Please let me know.

Sincerely,

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

*Donnellon*  
*Donnellon & Miller*  
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**9079 Montgomery Road**

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PLANNING COMMISSION

**Application for an Extension of a Final Development Site Plan**

**Twin Lakes Thirty Independent Living Units  
10120 Montgomery Road**

**November 20, 2023**

**Applicant:** Twin Lakes  
6279 Tri-Ridge Blvd, Ste. 320  
Loveland, OH 45140

**Property Owner(s):** Same as above

**Vicinity Map:**





### **Nature of Request:**

The applicant is requesting an extension of the approval of a Final Development Site Plan approval for thirty independent living units in three buildings located on 3.8 acres of property at 10120 Montgomery Road. There will be three ‘flats’ style buildings, with one containing a community room, and amenity space for residents of Twin Lakes Senior Living Community.

### **Background:**

The planning for this development began in April of 2020 with various iterations that ultimately resulted in the Planning Commission on May 3, 2021 unanimously recommending approval with various Conditions and Exceptions to City Council at their July 19<sup>th</sup> 2021 Meeting. A Planned Development (PD) overlay zoning classification was approved by City Council on December 1, 2021 for the property.

The List of Conditions and Exceptions can be found below:

### **General Conditions for the PD**

1. The sidewalks along Montgomery Road shall be 7’ in width and the final design shall be approved by the Public Works Director. (Matching the recent Twin Lakes Villa project)
2. Proposed development to utilize the existing curb cut on Schoolhouse Lane for the entry drive, while creating a second curb cut for exiting.
3. There will be a minimum of 0.7 acres of open space as designated on the General Development Plan submitted by Twin Lakes.
4. There will be 30 dwelling units maximum as designated on the General Development Plan submitted by Twin Lakes.
5. Buildings labelled ‘A’ and ‘B’ will be three stories tall while Building ‘C’ will be two stories tall as designated on the General Development Plan submitted by Twin Lakes.
6. In addition to standard Hamilton County storm water management plans, the applicant will adhere to the following:
  - a. Will adhere to Ohio EPA post construction runoff guidelines;

- b. Develop storm water pollution prevention plans as required by the Ohio EPA;
- c. Adhere to Section 401 of the Clean Water Act as administered by OEPA.
- d. Twin Lakes will work with City Engineer to determine the best management practices that will be used to address NPDES Phase II regulations.

### Residential D-3 District

The regulations for the D-3 zoning district will apply, with the following conditions and variations including minor modifications approved by Planning Commission regarding items 12,13, and the new condition 15 as follows:

1. Buildings shall be set back from the right-of-way of Montgomery Road and Schoolhouse Lane a minimum of 35’.
2. A minimum landscaped buffer yard of 30’ shall be maintained along Montgomery Road.
3. A minimum buffer yard of 30’ shall be maintained along the north property line.
4. A buffer yard of 20’ shall be maintained along the east property line.
5. Porches, covered or uncovered patios and balconies may encroach a maximum of 10’ into any required buffer yard.
6. Fences up to a 6.25’ in height shall be permitted to separate patio spaces in the front yard along Montgomery Road provided they are perpendicular to Montgomery Road.
7. Bay windows, roof overhangs, chimneys, and architectural features may extend 5’ into the buffer yards.
8. Below grade window wells and/or stairwells with or without guardrails can extend into the buffer yards by a maximum of 5’.
9. Impervious surfaces shall not exceed what is generally shown on the general development plan submitted by Twin Lakes, with an overall ratio maintained no greater than 70% impervious surfaces of the developable acreage 3.3439 acres which is 2.34 acre.

10. No dumpsters shall be allowed except as permitted by the Zoning Code in residential districts
11. Any proposed lighting shall be in compliance with the regulations of the underlying zoning district.
12. Accessory structures in the amenity areas, such as trellises, pergolas, shade structures and similar structures shall maintain a minimum 20-foot front yard setback. Accessory uses such as patios, hardscape, firepits, benches and similar uses shall be permitted within the amenity areas with no required setback from the right of way.
13. The following uses shall only be permitted in the Amenity Area 2 or general open space: pickleball court, shuffleboard, bocce ball or other similar games provided these uses maintain a minimum setback of 35' from Schoolhouse Lane and a minimum 10' from the rear and side property lines.
14. The access drives off Schoolhouse Lane shall be a maximum of 16' in width.
15. If the property is split or sold, open space shall be conveyed for purposes of a property ownership association or other responsible entity for upkeep and long-term-maintenance of the open space areas with covenants submitted to the City.

The applicant subsequently received Planning Commission Final Development Plan Approval on December 20, 2021 in accordance with the Planned Unit Development General Conditions. The Final Development Approval Conditions are as follows:

### **Final Development Plan Approval Conditions**

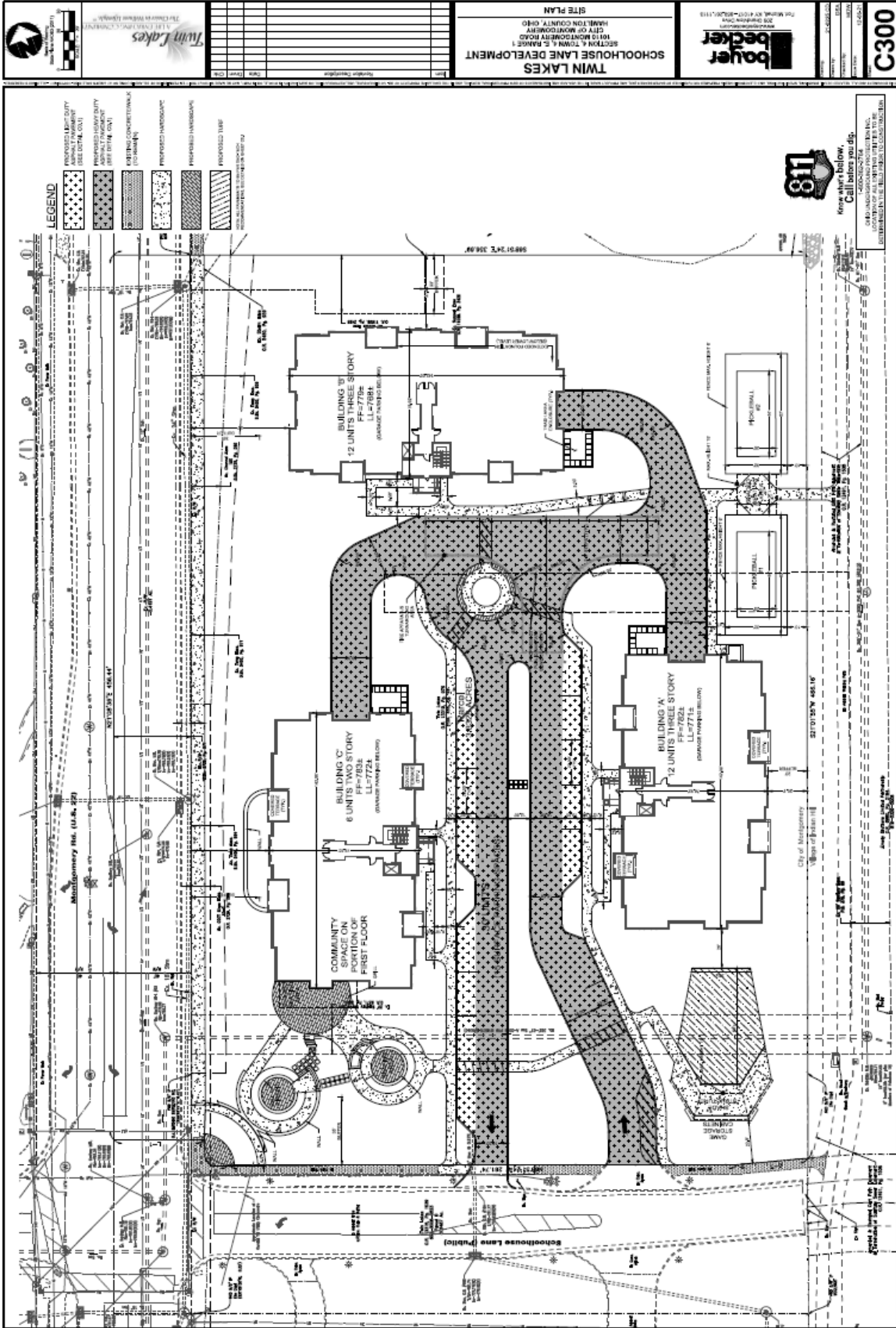
- A Final Photometric Plan with lighting details be submitted and approved by the Community Development Director.
- Final elevation and materials details of the trash area enclosures be submitted and approved by the Community Development Director regarding screening requirements.
- All final engineering comments shall be satisfied as approved by the City Engineer.

- A copy of the NPDES permit shall be supplied to the Community Development Director.
- All relevant fire comments/regulations shall be satisfied as approved by the Fire Chief.
- The new fire hydrant shall be a K-81A with Storz Outlet as required by the Fire Department.
- Final design of the sidewalk along Montgomery Road shall be reviewed and approved by the Public Works Director.
- Final Landscape Plan to be approved by the City Arborist.
- Approval of the Final Development Plan shall not be effective until January 1, 2022 due to the remaining referendum period related to the Planned Development approval by City Council on December 1, 2021

### Illustration of the Architecture and Previous FDP







### Staff Comments:

This project is a significant development for Twin Lakes with past approval by both the Planning Commission (GDP & FDP) as well as City Council (P.U.D). The applicant has previously indicated that due to corporate acquisitions, effects of the pandemic, and construction pricing challenges that the environment was not conducive to building the proposed structures. As such, staff previously approved a year extension, within code parameters, that will lapse this January. Further extensions can only be authorized by the Planning Commission as specified in Section 150.1417.

Twin Lakes has now indicated that construction is likely within 2024 and would like to **request a further extension of one additional year** to keep the current plan in place. No changes are currently proposed to the plan and the existing Planned Development's List of Conditions and Exceptions would prevail if the extension were not granted.

If Planning Commission were to extend for a year, the approval a motion would be necessary to allow it to be valid until January 1, 2025, which was the previous effective date.

**From:** [Homer, Jon](#)  
**To:** [Kevin Chesar](#)  
**Cc:** [Tracy Henao](#)  
**Subject:** FW: Schoolhouse Lane Zoning Extension  
**Date:** Monday, October 23, 2023 11:10:41 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Hello Kevin,

We would like to go before the Planning Commission to request an extension of our Final Development Plan zoning approval for 10120 Montgomery Road which was initially approved on December 20, 2021 and subsequently extended to December 20, 2023. We would like to present to the Planning Commission during the November 20<sup>th</sup> meeting. During the presentation, we will explain the delays and challenges that occurred that caused us to pause initially and the current status and plans of moving forward in 2024. We respectfully request a 12 month extension. The development plans haven't changed since the original approval and we acknowledge that any extension would be subject to the same conditions as the original.

Thanks in advance for your consideration.

Regards,  
Jon

**Jon H. Homer**

Director Business Development | Life Enriching Communities  
6279 Tri-Ridge Blvd, Suite 320 | Loveland, Ohio 45140  
(W) 513.719.3507 | (M) 513.722.6393  
[Make a contribution to LEC Foundation](#)

	<p><a href="#">Home   Life Enriching Communities   Ohio</a> Life Enriching Communities offers a complete continuum of senior living services in the Cincinnati, Cleveland and Columbus areas. <a href="http://www.lec.org">www.lec.org</a></p>
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**From:** Kevin Chesar <[kchesar@montgomeryohio.gov](mailto:kchesar@montgomeryohio.gov)>  
**Sent:** Wednesday, October 11, 2023 4:53 PM  
**To:** Homer, Jon <[Jon.Homer@lec.org](mailto:Jon.Homer@lec.org)>  
**Cc:** [tracy.henao@montgomeryohio.gov](mailto:tracy.henao@montgomeryohio.gov)  
**Subject:** [EXTERNAL] RE: Schoolhouse Lane Zoning Extension

Hi Jon,

The Vintage Club has already been heard at the Planning Commission level and most likely will not move forward with Final Development Plans for awhile (McNair/Vintage Club is going before City Council on November 1).



As it currently stands, we may only have one other case related to the schools for the November 6<sup>th</sup> meeting. If you want to forward a letter requesting the extension, we can work out the best timing for either the 6<sup>th</sup> or 20<sup>th</sup>. I would request 12 months in case another delay would occur, and **I do not foresee any issues in Planning Commission approving the extension.** I do want to note that Bayer Becker did need to finalize a few details for Final Development Plan in order to be considered complete that will need to be updated prior to submitting for permits, etc.

Below is the text related to the extension:

**§ 150.1417 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.**

An approved development plan shall remain valid for a period of 12 months following the date of its approval. Two 6-month extensions may be granted by the Zoning Administrator. **Any further extension requires written approval by the Planning Commission.**

(A) *General Development Plan.* If, at the end of that time, a final development plan has not been submitted to the Zoning Administrator, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and re-approved in accordance with this Chapter.

(B) *Final Development Plan.* If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and re-approved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.

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

Please feel free to follow up with any questions.

Best Regards,

Kevin



**Kevin Chesar**  
Community Development Director

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

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

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**From:** Homer, Jon <[Jon.Homer@lec.org](mailto:Jon.Homer@lec.org)>  
**Sent:** Wednesday, October 11, 2023 4:31 PM  
**To:** Kevin Chesar <[kchesar@montgomeryohio.gov](mailto:kchesar@montgomeryohio.gov)>  
**Cc:** [tracy.henao@montgomeryohio.gov](mailto:tracy.henao@montgomeryohio.gov)

**Subject:** Schoolhouse Lane Zoning Extension

Kevin,

I have mentioned this to you in the past and also had a discussion with Tracy about extending our zoning approval on the Schoolhouse Lane property. It currently expires on 12/20 of this year. With the significant growth in our Twin Lakes waiting list, coupled with calming down of many of the other environmental factors that caused us to delay previously, we are working towards starting this project in spring 2024. The original project approved by Planning Commission remains fully intact without any changes. Since we have delayed till Spring, we will need to submit our request and get on the agenda to state our case and ask for the extension. I believe I saw Vintage club was coming in on 11/6. We obviously don't want to come in on the same day as them. We would like to come in 11/20 if that date seems to be less crowded on the agenda, or we could do 12/4 also.

Please advise which date seems best. If there is any other information you think would be pertinent to us, please pass that along.


Thanks in advance for your consideration.

Jon

**Jon H. Homer**

Director Business Development | Life Enriching Communities  
6279 Tri-Ridge Blvd, Suite 320 | Loveland, Ohio 45140  
(W) 513.719.3507 | (M) 513.722.6393

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	<p><a href="#">Home   Life Enriching Communities   Ohio</a> Life Enriching Communities offers a complete continuum of senior living services in the Cincinnati, Cleveland and Columbus areas. <a href="http://www.lec.org">www.lec.org</a></p>
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**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING**

City Hall · 10101 Montgomery Road · Montgomery, OH 45242

October 2, 2023

<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
Nermine Banke Chairman Church of the Saviour 7492 Trailwind Dr., 45242	Susan Crabill St. Barnabus Church 11155 Marlette Drive Cincinnati, OH 45249	Kevin Chesar Community Development Director  Karen Bouldin, Secretary
John Berry Trustee Church of the Saviour 137 Woodcrest Dr., 45242	Rick Huff 7516 Fawnmeadow Lane, 45242	<u>COMMISSION MEMBERS PRESENT</u> Dennis Hirotsu, Chairman Barbara Steinebrey, Vice Chairman Vince Dong Andy Juengling Alex Schneider Pat Stull
Jeanne & Nelson Bove 10365 Montgomery Rd. 45242	Katie Loew 7954 Huntersknoll Ct., 45242	<u>MEMBERS NOT PRESENT</u> Peter Fossett
Jamie Brewer 7952 Huntersknoll Ct., 45242	Emily Stapleton 7958 Huntersknoll Ct., 45242	

**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. Juengling, Ms. Steinebrey, Mr. Schneider,  
Mr. Dong, Chairman Hirotsu*** (6)
- ABSENT: Mr. Fossett*** (1)

**Guests and Residents**

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

Chairman Hirotsu explained the process for this evening’s meeting to all guests and residents: “Mr. Chesar reviews his Staff Report and the Commission asks any questions they might have. The applicant presents their application and the Commission then asks any questions. The floor

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## **Planning Commission Meeting**

October 2, 2023

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

### **Old Business**

32 There was no old business to report.

33

### **New Business**

34  
35  
36 *Application from Church of the Saviour, 8005 Pfeiffer Road, for reconsideration of*  
37 *conditional-use approval conditions pertaining to the clarification of counseling services*  
38 *provided by the Church at the Ministry Center located at 8003 Pfeiffer Road.*

39

### **Staff Report**

40  
41 Mr. Chesar reviewed the Staff Report dated October 2, 2023, "Application for Reconsideration  
42 of a Conditional-Use Approval Condition for Church of the Saviour."

43

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

46

47 He indicated that there had been one inquiry about a copy of the plan, but no emails or calls  
48 received regarding this application.

49

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

52

53 Mr. Stull wanted to clarify that we were actually dealing with item #8 on Page 4 of the Staff  
54 Report – their conditional-use permit. Staff confirmed, noting that it was a part of the mission of  
55 the Church, and they were also proposing to change the specific language.

56

57 Mr. Dong asked if Staff was recommending this change, or if he was simply presenting this  
58 information. Staff stated he was presenting the information, with no recommendation.

59

60 Mr. Dong assumed that if this was a commercial business, the request would not be permitted in  
61 this District. Mr. Chesar confirmed. Mr. Dong recalled two previous applications that were not  
62 approved, one with a church and one with a woman making and selling soup from her home.  
63 He wanted to be consistent with these decisions, so that we did not set precedence.

64

65 Mr. Schneider had no comment.

66

67 Ms. Steinebrey was interested to know why this change was necessary. She recalled from the  
68 meeting held in 2019 about this application, the Commission had a concern because one of the  
69 counseling services (from another area) was going to move in, and make it their office.

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## **Planning Commission Meeting**

October 2, 2023

70 Chairman Hirotsu added that we were not in favor of putting a business on the Church property.

71  
72 Chairman Hirotsu asked if these conditions were actually in the conditional-use permit that the  
73 applicant had. Staff confirmed and stated that the City would issue a decision letter, with the  
74 conditions that were altered – it would strike the “faith-based” verbiage from their permit, if this  
75 was approved.

76  
77 There were no more questions from the Commission.

78  
79 Chairman Hirotsu asked if the applicant wished to speak.

80  
81 **Nermine Banke, 7492 Trailwind Drive, Montgomery, Ohio 45242** is the Chairman of the  
82 Board of Church of the Saviour and is also a resident of Montgomery. She stated that  
83 Mr. Chesar had explained their application well, noting that they were definitely much clearer on  
84 the issue of not having a business move in. She confirmed that they would not have a business  
85 doing business out of their property; although they were permitted to have a contract with a  
86 provider for counseling.

87  
88 Regarding the “faith based” statement, they could easily have a contract with a provider and not  
89 bring this up, but they wanted to be transparent with their providers regarding all of their  
90 conditions of use, and of their contract with the City. Ms. Banke explained that it becomes a  
91 problem when we tell them how to do counseling, i.e., faith-based. They did not think that this  
92 would be such a technical methodology term; as anything we provide is a part of our ministry,  
93 and it is faith-based. But the counselors look at it as if we are telling them what method to use –  
94 telling a counselor how to counsel. The Church’s intention was not to limit them to what type of  
95 counseling they could provide. This is the reason for the change.

96  
97 Ms. Banke asked for any questions.

98  
99 Mr. Stull asked if the Church was reimbursing the counseling service for their services.  
100 Ms. Banke stated that they have a Scholarship Fund that will enable them to offer and increase  
101 the availability of mental health service to folks in the area. Some of it is used for priority  
102 scheduling with a counselor in their offices, some of it is provided as financial support, and other  
103 things.

104  
105 Mr. Stull did not want to see the province of a counseling service be enriched by increasing their  
106 scope from work done at that site, because it was not designed for commercial use. He was  
107 concerned that the provider would have more revenue coming in, from working at the Church  
108 site. Ms. Banke stated that the counselors that they are working with are in alignment with the  
109 Church, so they are doing this, as giving back to the community, as a partnership.

110  
111 She stated that their intention is that they would balance out the contracts with various providers,  
112 and with what they were providing. For example, some of the counselors offer community  
113 classes, free of charge. She explained that this is also very tricky, as the Church cannot get

## **Planning Commission Meeting**

October 2, 2023

114 involved with the providers, in that there is only so much the Church can know about their  
115 clients.

116  
117 Mr. Juengling wanted to clarify that the scope of the counseling was not changing, it was more  
118 about the type of counseling provided by those contracted to the person seeking that counseling.  
119 Ms. Banke confirmed. She explained that they were offering this help to the entire community,  
120 not just to the Church congregation.

121  
122 Ms. Steinebrey asked about the scope – what were most of the counseling needs – was it for  
123 young people? Ms. Banke stated that this service was for all ages and all reasons. People come  
124 to pastors for counsel, and after they come so many times, they are referred to the counselors for  
125 professional help.

126  
127 Mr. Dong asked if they were using Bassett Psychological Services, or if it had changed now?  
128 Ms. Banke stated that they have a relationship with Bassett because one of the parishioners  
129 happens to work with that provider, but there is no single provider situation. Since 2020, Bassett  
130 no longer has an office at the Church; they have moved into a large office in Madeira. They may  
131 still be part of the Church’s providers, but under the same guidance as any other provider. Also,  
132 they work with children only.

133  
134 Mr. Dong asked what was stopping the patient from simply going directly to the provider’s own  
135 facilities, versus the Church needing to expand their scope and change the “faith-based”  
136 verbiage. Ms. Banke stated that they wanted to help the folks in this community that aren’t  
137 going to those facilities. Ms. Banke stated that if they offered a scholarship and the best place to  
138 meet was at the provider’s office, that would still happen. She stated that they have built this  
139 space at the Church for this purpose, and many times it feels like a safer, more indiscreet place  
140 for patients to meet with counselors.

141  
142 Mr. Schneider asked who was seeking these services. Ms. Banke stated it was the public, in  
143 addition to their congregation. They want this space to be used by the community to hold  
144 meetings for different health and wellness topics. The ministry is geared toward mental health.  
145 She stated that they were supporting The Art of Wellness event by Kevin Hines on October 23,  
146 that Montgomery is sponsoring. She stated that they had done something similar, with another  
147 speaker last year, for the community. She noted that they have also invited Al-Anon to have  
148 meetings in this space. She reiterated that this is broader than just counseling – and their  
149 intention is to provide professional assistance for mental health.

150  
151 **Emily Stapleton, 2958 Huntersknoll, Montgomery, OH 45242** attended Church of the Savior.  
152 She wanted to give an example, stating that she offers a yoga class that could be described as  
153 faith-based, however, if she was to bring in a substitute to teach from a non-faith-based  
154 perspective, it would still be beneficial from a mental health standpoint, to the attendees.  
155 When she teaches yoga, she shares a Bible verse. Someone else might share an inspirational  
156 quote – still helpful. While it is not counseling, the Church feels that the yoga program  
157 contributes to bettering mental health.

## **Planning Commission Meeting**

October 2, 2023

158

159 Ms. Stapleton stated that some of these counselors may well share the Church's faith, and might  
160 be trained in a different type of counseling; however as a professional, they cannot call it faith-  
161 based counseling – they have to call it cognitive mental therapy or whatever their specialty is.  
162 She stated that the people who are coming to provide in the Peace House, may be coming from a  
163 place of faith, but it also overlaps with their professional work and they just need to use a  
164 different terminology, and so they are unwilling to sign a contract that says "faith-based"  
165 because it doesn't exactly fit the professional terminology.

166

167 Mr. Schneider asked if any services been provided there since they have received their original  
168 approval, or if they were constantly finding that "faith-based" was a concern; or have they just  
169 now discovered this? Ms. Banke stated that they have had activity in the Peace House, but they  
170 haven't had professional counselors, because the "faith-based" verbiage was an issue. She stated  
171 that Bassett has never provided services.

172

173 Chairman Hirotsu asked if there has been any billing to the clients. Ms. Banke stated that this is  
174 very complicated because of HIPPA and patient confidentiality; they are not permitted to know  
175 who or what time their appointments are.

176

177 She stated that this will be a tricky process for them to work through, because they need to  
178 support this ministry and the folks that need this help. The idea was that the providers would  
179 bill, but the Church would be in agreement with them on cost, and pay for it with the scholarship  
180 money. They cannot get into any details of the patient billing.

181

182 Chairman Hirotsu stated that it felt like a business to him, when an individual was coming to do  
183 business on their site, and money was transacted for that service. Mr. Stull agreed, because the  
184 providers were getting paid, and they could generate more business there. He understood the  
185 need for counseling, but took issue with the money transaction for a service.

186

187 Mr. Chesar referred to page 2 of the Staff Report, under Findings: 1) c. There will be no  
188 charges for use of the Ministry Center. He did not think there would be any charges.  
189 He asked for clarification from Ms. Banke.

190

191 **John Berry, 137 Woodcrest Drive, Montgomery, OH 45242** stated that he was a trustee of the  
192 Church. He stated that the intent of that statement was that there would be no charge to the  
193 therapist for use of the Peace House. There is no set business at the Peace House. It is not the  
194 primary source of business for any of the providers. It is an adjunct additional space where they  
195 can meet someone if their client was intimidated by going to their professional offices. This is  
196 not a full business operation.

197

198 Chairman Hirotsu stated that the provider would meet with the client in this location, and charge  
199 them the same as if they went to their office. Mr. Berry did not know how to work around that.  
200 He stated that there had to be some compensation to the therapist.

201

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## **Planning Commission Meeting**

October 2, 2023

202 Chairman Hirotsu repeated that this still looked like a business. Mr. Schneider asked if this  
203 would be considered more charity-based, if the fund would pay for the counseling service,  
204 instead of charging the patient.

205  
206 Ms. Banke wanted to point out that accessibility to mental health is a problem for this  
207 community and many others. The Church's intention was that this would not be profitable for  
208 the providers, but there is a cost, and if the provider is not compensated, then we are limited to  
209 what can be done. This is why they created the scholarship fund – to bridge gaps for people, and  
210 also allow people to donate their time in different ways, like providing a class for parents of  
211 children who have mental health issues.

212  
213 She understood the Commission's concerns; however, if only the Church paid the providers, it  
214 would limit what the Church could do, and becomes very complicated.

215  
216 From the November 19, 2018 Planning Commission meeting, Mr. Dong remembered the process  
217 as being that the Church would be the connection to these counselors, and the client would go to  
218 the counselor's facility. But, when you bring it all into your house, then it looks more like a  
219 business.

220  
221 There was much more discussion. Some of the current Commission members attended the 2018  
222 meeting, but many of the Church representatives were new.

223  
224 Mr. Dong was having a hard time separating this from a business. Why was this unique from  
225 other commercial companies?

226  
227 Mr. Stull asked what the other churches were doing to help with mental health issues. He was  
228 very concerned with setting precedent, and if we allowed Church of the Saviour to do this, we  
229 would have to allow everyone else to have this same variance. Mr. Berry didn't know about  
230 other churches. He stated that counseling happens now in the Church, with the pastors, on the  
231 property.

232  
233 Chairman Hirotsu spoke on behalf of the Commission, noting that they all felt that counselling  
234 was a good thing, but the problem was about the commercial piece.

235  
236 Ms. Stapleton stated that the public high schools offer mental health counselling services for a  
237 fee, inside the schools; they do accept insurance, and they work through Children's Hospital.  
238 She noted that the children go during the school hours, often during a study hall, sometimes once  
239 a week, and they might miss a class. And they have waiting lists. This was one of the ways the  
240 Church realized the great need in our community. She asked how that would be different than  
241 the services the Church wanted to offer.

242  
243 Mr. Juengling was not aware of the services that schools were required to offer. Ms. Stapleton  
244 felt that this was pretty new - this has just happened since 2020.

245



## **Planning Commission Meeting**

October 2, 2023

246 Chairman Hirotsu stated that schools were conditional uses. Mr. Chesar knew of other  
247 communities that did this in their schools; he was not sure about Sycamore schools.  
248 Ms. Stapleton confirmed that Sycamore schools did offer this service.

249  
250 Mr. Chesar stated that he needed to review / research more of this. From the City's perspective,  
251 there was concern of a commercial operation. The City understood that the Church would be  
252 consulting with the providers and that payment for the services would fall under the umbrella of  
253 the Church. That is the caveat that allowed it to be within the Church's realm. He was not  
254 arguing any point, and understood that the Commission could make any decision they wanted,  
255 but Mr. Chesar felt the need for more review, so that we all had the same understanding.

256  
257 Chairman Hirotsu referred to page 2 of the Staff Report, and he believed that the applicant was  
258 asking for exception and change in 1a: Services offered at the Ministry Center will be limited to  
259 faith-based counseling; and 1c: There will be no charges for use of the Ministry Center.

260  
261 Mr. Chesar believed that the applicant was stating that the counselors would not be charged any  
262 rent or lease. That was the difference.

263  
264 Mr. Berry stated that is not a statement intended to address the relationship between the client  
265 and the therapist, but rather between the Church and the provider.

266  
267 Mr. Dong understood that the patient would not be paying anything, either; that it was a service  
268 that the Church was providing to anyone in the community, at no charge.

269  
270 Mr. Chesar pointed out that there was much misunderstanding, and he would like to have more  
271 conversations with Tracy Henao, Assistant City Manager, who was in attendance at the previous  
272 meetings. He stated that the Church was entitled to ask the Commission to make a  
273 recommendation now, but he felt that more needed to be explained and understood between all.

274  
275 Mr. Dong understood that, previously, Bassett was going to be the only supplier. And now, it  
276 looks as though there will be multiple suppliers. Ms. Banke stated that she understood the  
277 concern at the time was the business, and the business was Bassett; and they have worked at  
278 making it not be about Bassett. They thought that would help, from a City perspective, to ensure  
279 that the Church would not give enough hours to any one provider, to prove that it could not be  
280 the provider's only place of business. The Church would limit the number of hours that any one  
281 provider could be on site.

282  
283 Mr. Juengling asked if there were actual operating hours, or if it was based off of appointments  
284 Ms. Banke stated that they had not worked through this yet. The providers do not want each  
285 other's patients to see each other. And the Church was not permitted to know a lot about the  
286 appointments, for HIPPA reasons. One of the ideas they had was that they break up the days,  
287 and give each provider a band of time each day.

288

## **Planning Commission Meeting**

October 2, 2023

289 Mr. Juengling referred to page 2 of the staff report, item e, and asked if there was a designated  
290 25% of the total floor area that was specifically for the counselors. Ms. Banke confirmed.  
291 She offered to share the floor plan with the Commission.

292  
293 Mr. Juengling asked if there was not counselling taking place there, could that space be used for  
294 something else or some other function, or was it only designated for this; specifically, will these  
295 counselors have items that are kept there? Ms. Banke stated that nothing would be kept there  
296 from the providers. Mr. Berry stated there would probably be a desk and 2 chairs, but none of  
297 the rooms or items belonged to any provider. And if there was no counseling scheduled, a  
298 parishioner could go in there and use it to study or read.

299  
300 For clarity, Staff wanted to note that this has been a new conversation tonight; that the City was  
301 not aware of these new ideas. He stated there was no ill will on behalf of either party, and that  
302 more understanding was needed to be achieved by all.

303  
304 Chairman Hirotsu asked if the Board had any more questions for the applicant; there were none.

305  
306 Chairman Hirotsu asked if any guests or residents had comments.

307  
308 **Susan Crabill, 11155 Marlette Drive, Cincinnati, OH 45249** was attending on behalf of  
309 St. Barnabas Church. She stated that their churches worked closely together, and St. Barnabas  
310 felt that this was a remarkable community program that Church of the Saviour was offering.  
311 St. Barnabas was in support of this application – providing counseling services. They felt it was  
312 a wonderful opportunity for the community of Montgomery to have.

313  
314 **Jamie Brewer, 7952 Huntersknoll Court , Montgomery, OH 45242** felt that everything that  
315 was said made complete sense. He stated that it was great to have mental health awareness and  
316 help in our community, in our city, in our churches and schools. He felt this was faith-based  
317 counseling in a church, on church property, near a church, surrounded by houses. He felt it  
318 should stay that way. Mr. Brewer stated that his home was within a couple hundred feet of the  
319 Church. You lose a lot of control of what happens in your neighborhood, in the city. You tend  
320 to forget or ignore certain aspects, and it is great to have the Church in the community, and to  
321 keep faith-based counseling in the Church, for our children and the entire community. He was in  
322 favor of this application.

323  
324 Mr. Berry stated that counseling, whether it was faith-based or non-faith based happens within  
325 the confines of an office. He stated that we could all see that the Peace House was originally a  
326 home, still looked like a home. He felt that counseling had a very low impact on a community,  
327 as far as affecting property values; no one would even know that it was happening there.

328  
329 **Katie Loew, 7954 Huntersknoll Court, Montgomery, OH 45242** is a pediatric nurse, and has  
330 been on the front lines of mental health needs. She stated that 1 in 5 people have mental health  
331 issues, and many times they have to wait for months to see a doctor. Even two months is a very  
332 long time to wait to get help. She has seen doctors go to cars to visit patients because they were

## **Planning Commission Meeting**

October 2, 2023

333 too afraid to come in. She felt this private location would provide a much less threatening place  
334 for people to go, because it was like entering a home. She was in favor of this application, and  
335 hoped this might be an opportunity to start something with many churches, because there were  
336 not enough mental health services in this city and in the country.

337  
338 Chairman Hirotsu closed the meeting to public comment. He asked for discussion among the  
339 Commission.

340  
341 Mr. Stull supported their intentions and felt they were very good. The issue for him was to  
342 determine how to take out the commercial aspect out of it, and provide the service to those in  
343 need, without money exchanging hands – which would constitute a business. Where do we draw  
344 the line when another church or school wants to do this? He felt that Staff needed to do more  
345 research so we had more facts. He wanted to table this tonight and come back when we had  
346 more information. If he had to vote this evening, he would say no.

347  
348 Mr. Juengling also agreed with the need for the mental health services and it made sense to him  
349 to fit in within the church environment. He stated that he came in here thinking it was going to  
350 operate one way, and now felt like there were more questions than clarity, based on the operation  
351 of it all. He was not able to make a justified decision on this application, and suggested tabling.

352  
353 Ms. Steinebrey commended them on the look of the Peace House - that it was just lovely, so  
354 welcoming, unthreatening and calming. She thought they did a wonderful job with the  
355 landscaping, as well. She also commended them for coming forward regarding this change from  
356 faith-based counseling, which we would have never known. She admired them for their honesty.  
357 She liked seeing this service taking place in the Peace House, rather than a school. She asked if  
358 they could handle it where the Church lined it up between the provider and the client, but the  
359 provider did not have a contract with the Church, and if there was money changing hands, then it  
360 was just between the client and the provider.

361  
362 Mr. Schneider agreed with Ms. Steinebrey's points. He didn't feel that it was a business based  
363 out of the Church, and did not have any issues with this application. He would like to have more  
364 clarity, but was in favor of this application.

365  
366 Mr. Dong recalled from the previous Planning Commission meetings, that there was no money  
367 being passed; not just between the Church, but also between the client and the provider.  
368 He wanted to get clarity on how the operation would actually work. He noted that the Code  
369 requires that in a community that is single-family homes, they are not permitted to have a  
370 commercial business. He cited a similar application that was denied, and pointed out that we  
371 needed to be consistent. He would like to see a plan on how the church could make this work,  
372 because he believed that mental health services were much needed in our country.

373  
374 Chairman Hirotsu thanked the applicant for bringing this to the Commission. He stated that we  
375 have uncovered a big misunderstanding that needed to be clarified before we could move  
376 forward to make a decision.

## **Planning Commission Meeting**

October 2, 2023

377

378 He asked the Commission how they felt about expanding beyond faith-based counseling, as this  
379 was the original topic that was presented. He could easily understand that they were trying to  
380 help people. He was very comfortable with expanding it to non-faith-based counseling for  
381 mental health. He felt the size of the facility kept it limited to a smaller number of people.

382

383 Mr. Juengling didn't have any issue with changing it from faith-based to mental health  
384 counseling. Mr. Stull agreed.

385

386 Mr. Dong felt that this conditional use was based on the fact that it was a church – that is what  
387 the regulation says. So, it somehow needs to be tied to the church. There is nothing in the Code  
388 that says that we can allow a counseling service inside a residential area; but we do allow a  
389 church to provide their services. That is why the faith-based was discussed and connected,  
390 because only a church *service* could happen in a residential area. It doesn't necessarily have to  
391 be limited to the church congregation, but the service provided had to have some linkage to the  
392 church, or else you would be providing another service. Counseling services is not a  
393 conditional-use in a residential area. But a service provided by a church would be considered  
394 under the conditional use. Mr. Dong was not against the Church's good intention; he was just  
395 trying to figure out how to meet the Code.

396

397 There was more discussion.

398

399 Ms. Steinebrey stated that many churches support / sponsor other services for the community,  
400 like Alcoholics Anonymous and other programs. She didn't feel that it mattered that it was not  
401 faith-based. The church is open to anybody – most churches did not care if you were of their  
402 faith.

403

404 She noted that some churches offer financial counselling from Dave Ramsey. They buy all of  
405 their material from Dave Ramsey and then all of it is handled in the church. You have a church  
406 reaching out to help people with their finances, and yet no money has changed hands.

407

408 Ms. Banke stated that there was a cost to it – it was part of Ramsey's philosophy to put skin in  
409 the game. It was not a lot of money, but there was a cost to the participant, but the money was  
410 exchanged between the participant and Dave Ramsey's Association. The church was only the  
411 facilitator, they did not pay any money, nor did they make any money. It was not a commercial  
412 business, other than the church provided the facility, and provided counselors to help.

413

414 Mr. Schneider was in support of expanding the faith-based to non-faith based.

415

416 Chairman Hirotsu had no issue with expanding it from faith-based, but struggled with the  
417 commercial aspect of it.

418

419 Chairman Hirotsu noted that there were different thoughts from the Commission on the  
420 expansion of the faith-based counseling; pointing out that a majority vote was needed for

## **Planning Commission Meeting**

October 2, 2023

421 approval. He noted that all of the Commission supported the Church's good intentions.  
422 Mr. Chesar would look into this more, regarding how to better understand their operation and  
423 how it fits within the regulations.

424  
425 He asked the applicant if they wished to table this application. Ms. Banke confirmed.

426  
427 ***Ms. Steinebrey made a motion to table the application from Church of the Saviour,***  
428 ***8005 Pfeiffer Road, for reconsideration of conditional-use approval conditions pertaining to***  
429 ***the clarification of counseling services provided by the Church at Ministry Center located at***  
430 ***8003 Pfeiffer Road.***

431  
432 ***Mr. Dong seconded the motion.***

433  
434 ***There was a voice vote, and the Commission unanimously approved.***

435  
436 ***This motion is approved to table the application.***

437  
438 At 8:25pm, all guests and residents left the meeting.

439  
440 Staff thanked the Commission for all of their good questions related to this application. There  
441 was more discussion, and it was brought up that perhaps some of the regulations around this  
442 needed to be reviewed and revised, as many schools provided counseling at the school, (some  
443 provided by Children's Hospital) as well. Staff had much to research.

### **Staff Update**

444  
445 Mr. Chesar reviewed Montgomery's Moment / Summary of Understanding (dated September 29,  
446 2023) - which was an update on the progress of the Comprehensive Plan. He briefly spoke of  
447 the highlights that was in the Commissions packet, showing it also on the wide screen.

448  
449  
450 Chairman Hirotsu asked what amount of the 27% office count Ohio National held.  
451 Mr. Chesar stated it was a large amount. He noted that Ohio National planned to lease at least  
452 two of their floors. He explained that many of their employees were still working in a hybrid  
453 fashion: in the office a few days and then working from home, so they did not need all of their  
454 office space. The City sees this as a net gain, because they are leasing office space to additional  
455 people, and perhaps more. Mr. Chesar stated that Ohio National was still committed to staying  
456 in Montgomery, but that we still have to consider if it might change.

457  
458 Mr. Chesar stated that they have held many focus groups with many different people in  
459 Montgomery, asking for their opinions on many topics. Mr. Dong asked if there was any interest  
460 in a Community Center, noting that we used to have one, and it was taken down. Mr. Chesar  
461 stated that while many people congregate at the pool, there was not a high number of requests.

462  
463 Staff discussed the 5 emerging themes, from these focus group:

464

## **Planning Commission Meeting**

October 2, 2023

- 465 1. The Montgomery Road Corridor is not a singular experience.  
466 2. Some opportunities are off of the Corridor.  
467 3. To continue to be a premier community, Montgomery needs more housing options.  
468 4. Walkability / Bikeability is increasingly important.  
469 5. The Downtown Business District could use an operator – possibly a full-time job to  
470 promote the downtown businesses.

471

472 Mr. Chesar stated that the City is approaching the end of the first public input stage.

473

474 Ms. Steinebrey stated that she had volunteered last Saturday for the Montgomery Amazing Race,  
475 and it was fantastic. She worked at Twin Lakes, and everyone there was absolutely thrilled with  
476 the event.

477

478 Staff asked all Commission members about the start time of future Planning Commission  
479 meetings. They all decided on 6:30pm, pending agreement from Mr. Fossett.

480

### **Council Report**

482 There was no Council Report.

483

### **Minutes**

485 Mr. Dong moved to approve the minutes of September 11, 2023, as amended.

486 Mr. Juengling seconded the motion. The Commission unanimously approved the minutes.

487

### **Adjournment**

489 Mr. moved to adjourn. Mr. seconded the motion.

490 The Commission unanimously approved. The meeting adjourned at 8:45 p.m.

491

492

493

494

495

496 \_\_\_\_\_  
Karen Bouldin, Clerk

497

498 /ksb

\_\_\_\_\_  
Dennis Hirotsu, Chairman

\_\_\_\_\_  
Date