

**SUGARCREEK TOWNSHIP  
BOARD OF ZONING COMMISSION  
TUESDAY, FEBRUARY 4, 2020**

This regular meeting of the Sugarcreek Township Board of Zoning Commission was held on Tuesday, February 4, 2020 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Sugarcreek Township, Ohio at 7:00 p.m.

Ms. Moore called the meeting to order.

Everyone present stood for the Pledge of Allegiance.

Ms. Moore asked Mrs. Tilford to take roll. Upon call of the roll, the vote resulted in the following:

Mr. Betz-absent  
Ms. Baldino-present  
Ms. Moore-present  
Mrs. Hellmann-present  
Mr. Schleich-present  
Dr. Mathews-present

For the record, alternate, Mrs. Gallagher, was also in attendance.

Ms. Moore asked for a moment of silence in honor of Mr. Pittman's service to the township. She discussed Mr. Pittman's contributions to the township, noting he spent nearly one half of his adult life in service to the township.

Ms. Moore stated that the first item on the Agenda is Case BZC05-2019, which was tabled at the last meeting.

Mrs. Tilford reviewed the updated text of the proposed amendment. She noted that the use was originally described as Physician Directed Healing and Wellness Center. Based on discussion at the last meeting, that has been modified to read Onsite Physician Led Healing and Wellness Center. She noted that a maximum permitted structure size of 5,000 SF was added at the Zoning Commission's direction. She noted that sign height maximum will be 4' with these modifications. She noted that Zoning Commission last month discussed a limit on the number of employees but was looking for a little more input prior to a determination on number. Finally, a standard was added holding that construction on any new principal structure shall not be of a commercial character or design.

She reviewed process noting that this will allow a property owner to request conditional use approval from the BZA for this use in the A-1 District. It does not allow this use by right. The Conditional Use process is a public one, with notifications to neighbors and a hearing in front of the BZA.

Mrs. Tilford explained that the idea behind this amendment came from a local physician that was frustrated with the way medical care is being provided in this country. Doctors are losing autonomy to care for patients in a way that is most responsive to a patient's needs. The idea of this amendment is to allow another option for medical care delivery that is truly patient centered and one that cannot be successfully taken on in a sterile office environment.

The Board did ask that Dr. Murphy address them directly and he is present tonight to answer any questions and to provide more information on what he would like to do within the framework of Onsite Physician Led Healing and Wellness Centers.

Dr. John Murphy came forward. He thanked the Board for the opportunity to speak. He noted he was born here, graduated from Bellbrook High School in 1996, left to go to medical school and returned here to practice medicine and raise his family. His practice is in the Sugarcreek Health Center and he practices there with his father. He noted his disillusionment with primary care delivery. After a lot of research and soul searching he realized he needed to start from scratch. He put together his own plan incorporating three major concepts: direct primary care which is membership based and takes out insurance companies and third-party payers that influence how medicine is being practiced, integrative health care which merges alternative therapies with conventional medicine, and optimal healing environments. He noted that there has been a lot of discussion around the concept of the medical home and patient centered care in medicine but the problem with that we never changed that physical environment of that relationship. He noted his office now is new and beautiful, but it is not an optimal healing environment.

He noted that he already owns the perfect place to make this a reality and that is his prior home on Waynesville Road. The issue is being permitted to run a commercial business in that residential area. He noted that he has realized he is going to have this same problem wherever he goes based on the need to have that home atmosphere surrounded by nature.

Mrs. Hellmann asked how long patients would spend here and clarified that patients would not be spending the night.

Dr. Murphy said it is an outpatient clinic and patients would spend anywhere from 30 to 90 minutes.

Ms. Moore asked if he would have employees.

Dr. Murphy said not at first but as the practice grows he can see a need for that.

Ms. Moore asked if he would have consultants coming in to provide that alternative care.

He indicated he would.

Mrs. Hellmann asked if it would be a group setting.

Dr. Murphy said an intimate group, no more than three or four patients at a time. He noted showing patients how to cook and showing them different types of exercises is so important.

Mrs. Hellmann questioned the financial part of this and if an intimate group would work. She noted she would think that more patients would have to be in a group setting for it to make financial sense.

Dr. Murphy said his model is all inclusive. It includes all of those integrative therapies.

Mrs. Hellmann stated he has the expense of having someone come out and again questioned the financials.

Dr. Murphy stated a typical primary care office runs at 70% overhead, this will run at 25-40%. It leaves a lot of room to spend on these other therapies.

Ms. Moore indicated she has done a bit of research on integrative medicine and direct primary care and she was looking to see where one exists. She asked if he knows of anyone doing this now.

Dr. Murphy stated that there is no one merging all of these things together. He stated that there is one practice, Beaver Creek Primary Care, but it isn't doing all three; it is doing direct primary care but they are doing it in a commercial office space. There are a couple places that do healthcare in a natural setting, but nothing like what he is proposing.

Ms. Moore asked if he had considered how profitable it will be.

Dr. Murphy stated he has and he has models he could share.

Ms. Moore asked how many patients he would need to see before he breaks even.

Dr. Murphy indicated he currently manages 2,600 patients. In this model 100 patients are break even before paying himself. At 300 patients he would be making the same profits he is making in his current practice managing 2,600 patients. He said at 300 patients it is a five-day week at eight patients a day.

Dr. Mathews indicated that they are asking to understand traffic.

He said maximum it would be 15 patients a day.

Dr. Mathews indicated that is not much traffic.

Discussion ensued on staffing.

Dr. Murphy said for the first 150-200 patients, he does not need staff. He indicated his electronic medical records company handles scheduling and billing.

Ms. Moore asked if this was his existing home.

Dr. Murphy said they have another home; the property he would use is his previous residence.

Discussion ensued on the growing nature of integrative medicine like this.

Ms. Moore asked about the size limitation.

Dr. Murphy indicated it is important that it feel like a home and 5,000 SF is certainly adequate. His will be much smaller.

Ms. Moore asked about number of employees.

Dr. Murphy indicated five at maximum capacity, including himself.

Ms. Moore asked for public comments.

Mr. Chuck Long, 3695 Waynesville Road, came forward. He noted he heard rumors about what Dr. Murphy wants to do. He wants to know how it will impact his property value and what happens if five years down the road Dr. Murphy sells the property.

Mrs. Tilford indicated with this text amendment if approved, Dr. Murphy would not be looking to change the zoning classification of his property, nor would he be changing the character of the neighborhood. These are things the BZA is charged with evaluating. She noted that we would not expect any decrease in the values of adjacent properties given those facts. She noted that the BZA can make approval specific to Dr. Murphy and his use.

Dr. Joseph Gallagher came forward and asked if the Board was just looking to allow a commercial property in an agricultural district. He noted that what he heard Mrs. Tilford say was that when the residential use is converted into a business use, the zoning of the area is changed.

Mrs. Tilford clarified that is not correct. The Zoning District is not changed.

Dr. Gallagher asked if that was going to stay that way or is this the beginning of piece meal commercial uses in our Agricultural District.

Mrs. Tilford stated that there are a number of commercial uses permitted in the Agricultural District by way of the Condition Use process. These uses have been evaluated and may be appropriate in the Agricultural District but they require additional review and oversight by the BZA. Churches are a good example, daycares and bed and breakfasts are other uses. A property by property evaluation is necessary and that's what the BZA does.

Dr. Gallagher questioned whether other businesses are going to just be allowed to come in now too.

Mrs. Tilford said no. If the Trustees decide, after input from the BZC, to make Onsite Physician Led Healing and Wellness Centers Conditional Uses in the A-1 District that does not mean they will be forced to make other commercial uses conditional in the A-1 District. The Trustees

viewed this particular use as going hand in hand with the rural character of our A-1 District, if not dependent upon it and that is why it was initiated. She noted that it be difficult for another commercial business to fit that same mold and have that same kind of dependent relationship. This a low intensity use,

Ms. Moore made a motion to close the public hearing, which was seconded by Mr. Baldino. Upon call of the roll, the vote resulted in the following:

Ms. Moore-yes  
Ms. Baldino-yes  
Dr. Mathews-yes  
Mrs. Hellmann-yes  
Mr. Schleich-yes

Mr. Baldino asked why only the A-1 District and why only doctors.

Mr. Schleich pointed out that Mr. Baldino wanted it limited to physicians last month.

Mr. Baldino asked how we bound or discuss what needs this business type has.

Mrs. Tilford stated that she believes it was contemplated in the A-1 District, primarily because of the minimum lot size of 5 acres. The Estate District is a 2.5 acre lot minimum and that size lot may have a difficult time meeting the 100' structure setback.

Mr. Baldino asked about the business districts.

Mrs. Tilford indicated that it wouldn't make sense that this particular use would set up shop in a place like the office building where Dr. Murphy currently practices. The nature and specificity of the particular use is dependent upon the bucolic, rural environment. Logically though it wouldn't be successful there, otherwise Dr. Murphy would do it there.

Mr. Baldino asked if we should allow it in another district just so it doesn't look like we targeted one particular area.

Mrs. Tilford said but we kind of did and there is nothing wrong with doing that.

Ms. Moore asked if someone wanted to do it in B-2 couldn't they do it now.

Mrs. Tilford said they'd probably call it a medical office to avoid limitations on size and employee number and yes, medical office is permitted in the B-2 District.

Mr. Baldino stated he wanted to take a counter approach to why only doctors.

Discussion ensued on whether PAs or NPs could do this absent the supervision of a physician. It was determined that they really could not. Other medical specialties were discussed like dentistry and eye doctors with Mrs. Tilford noting that she would think that those folks would be hard pressed to make the case to the BZA that their practice meets the definition.

Discussion ensued on the limit on the number of employees and the limit on the size of the structure.

Mrs. Tilford stated that Dr. Murphy's current office is 6,000 SF and he manages 2,600 patients with 25 members on staff. The 5,000 SF limit on size may not be very limiting with respect to the number of employees. It makes sense to have both, in her opinion.

The Zoning Commission settled on 5 as the maximum number of employees with a 5,000 SF maximum structure.

Mrs. Hellmann made a motion to approve BZC05-2019, which was seconded by Dr. Mathews.

Upon call of the roll, the vote resulted in the following:

Ms. Moore-yes  
 Ms. Baldino-yes  
 Dr. Mathews-yes  
 Mrs. Hellmann-yes  
 Mr. Schleich-yes

Mr. Baldino made a motion to approve the January 7, 2020 Minutes, which was seconded by Mrs. Hellmann. Upon call of the roll, the vote resulted in the following:

Ms. Moore-yes  
 Ms. Baldino-yes  
 Dr. Mathews-yes  
 Mrs. Hellmann-yes  
 Mr. Schleich-yes

Mrs. Tilford stated that she has no new business; Section 6 of the Landings will be on the February 10<sup>th</sup> Trustee Agenda and she will update on that case in March.

Ms. Moore moved on to Bylaws.

Mrs. Tilford noted that she has taken our BZC Agendas and added a section on process, which covers a good amount of the process portion of the Bylaws discussed last month.

Mr. Baldino noted that it is helpful to have this; it sets the tone for meetings consistently.

Mrs. Hellmann indicated her support for the language as well.

It was decided to add after inflammatory comments, language that reads "such as speaking when not recognized by the Chair, clapping, etc."

Mr. Baldino suggested changing the title from "Conduct" and "Procedures" to "Public Hearing Conduct" and "Public Hearing Procedures".

Dr. Mathews suggested making the numbered list into bullet points.

Mrs. Tilford also provided copies of the Ethics form to the BZC members. She noted she intends to work with our Administration staff to update that form to cover some of the conflict items Ms. Moore had proposed in the Bylaws. She will keep the Board updated on that process.

Mr. Baldino made a motion to adjourn, which was seconded by Mrs. Hellmann. Upon call of roll, the vote resulted in the following:

Ms. Baldino-yes  
Ms. Moore-yes  
Mrs. Hellmann-yes  
Mr. Schleich-yes  
Dr. Mathews-yes