



**Geauga County Planning Commission**  
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## JUNE 14, 2022 MEETING MINUTES

### **1. Pledge of Allegiance**

Chairperson Caterina Cocca-Fulton called the June 14, 2022 regular meeting of the Geauga County Planning Commission to order at 7:30 a.m. at 470 Center Street, Building 8, City of Chardon. A quorum was obtained. Following the Pledge of Allegiance, the roll call was called by Ms. Irizarry, and the following members were present:

### **2. Roll Call**

Members present: Caterina Cocca-Fulton, Gary Neola, Commissioner Jim Dvorak, Commissioner Tim Lennon, Dan Miller, Jim McCaskey, Dennis Bergansky, John Oros, and Walter Claypool

Members absent: Commissioner Ralph Spidalieri and Nick Gorris

Staff present: Linda Crombie (Planning Director), Allyson Kobus (Planner II), and Pamela Irizarry (Administrative Assistant). And others interested in the meeting discussion.

Ms. Cocca-Fulton stated that while Planning Commission meetings are open to the public, they are meetings for the Planning Commission board members, not for the public. She understands that attendees may want to comment on agenda items and asked to keep it to 2-3 minutes and for the sake of time, to not repeat what someone else said, but to say that you agree with what someone said.

### **3. Approval of Minutes for the May 10, 2022 Regular Meeting**

Mr. Neola made a motion to approve the May 10, 2022 regular meeting minutes and Commissioner Dvorak seconded the motion, Mr. Oros and Mr. McCaskey abstained, and upon a call for the vote, the motion carried unanimously.

### **4. Financial Report and Approval of Expenses**

Before Ms. Irizarry went over the financial report she discussed how four new accounts were created to help keep better track of expenses paid throughout the year. Ms. Irizarry then provided the financial report as of June 13, 2022 attached hereto and the expenses marked as Exhibit "A" totaling \$174.16. Mr. Oros made a motion to approve the financial report and the summary of expenses, marked exhibit "A" totaling \$174.16. Commissioner Lennon seconded the motion, and upon a call for the vote, the motion carried unanimously.

**See Exhibit 4A**

## **5. Director's Report**

1. Northeast Ohio Planning and Zoning Workshop, June 24, 2022, Punderson State Park: Ms. Crombie said as of today the registration is at capacity for the NE Ohio Planning and Zoning Workshop to be held on June 24 at Punderson State Park. A waiting list has been started in case of any cancelations.

2. House Bill 563, pending: Ms. Crombie said HB 563, which limits local authority over short-term rentals continued review and passed the House and should be onto the Senate. She will keep the Commission informed.

3. Move to the New County Administrative Building: Ms. Crombie discussed that the week of June 27- July 1 is the updated timeframe for the Planning Commission office to move into the new building. Staff will be spending most of June packing everything up. An Open House has been scheduled for June 24, 2022, the same day as our NE Planning and Zoning Workshop, so no one from Planning Commission will be at the Open House.

4. Internal Form: Land Division Process Checklist: Ms. Crombie talked about the importance of using an internal checklist form, created last year to make sure all the steps in the Land Division Process and performed. Staff also completed the draft of "How Do I Split My Property?", which is a first in the Info Sheet series. This will be discussed later on the agenda under 10A.

5. New Housing Starts, January – March 2022: Ms. Crombie mentioned how Ms. Kobus has prepared a map to visually illustrate the location of new housing start from January – March 2022.

6. Lot Split Activity, January – March 2022: Ms. Crombie discussed how Ms. Kobus also prepared a map showing all the lot split activity for the county. The southern part of the county had the most lot split activity.

### 7. Work Summary, May 2022:

a. Planning/Zoning/Subdivision Administration: Ms. Crombie said that during May there were 6 lot splits/consolidations, 51 different planning/zoning inquiries, lot inquiries, 1 formal text or map amendments and 5 easements. Ms. Crombie briefly reviewed the various points of contact she has with each of the following townships: Claridon, Chester, Munson, Newbury, Parkman, Burton and Russell.

### b. Comprehensive Planning Efforts:

i. General Plan Use: Ms. Crombie said the staff referred to the General Plan five (5) times during May 2022. The Land Use, Housing, Community Facilities, Infrastructure and Background history were referenced in regard to the reviewing the Chester map amendment on the agenda today, and reviewing the draft CEDS plan.

ii. NOACA CEDS meetings: Ms. Crombie said that the 30-day public review period of the draft CEDS plan ended on May 26, 2022, and the Commission members were emailed the draft CEDS plan in their

Dropbox link. She was unable to attend the most recent CEDS committee meeting, but June 10, 2022 was noted as the Board of Director's meeting for approval of the CEDS document. Mr. Lennon commented the draft was approved 45 to 1 and he voted no.

***See Exhibit 5A***

**6. Major Subdivision to be reviewed**

- A. Replat of the Marketplace at Four Corners (Outparcel C)  
Sublot 3  
Bainbridge Township  
Final Plat

Ms. Crombie discussed how the owner would like to subdivide Sublot 3 of the Marketplace at Four Corners Subdivision into sublots 3A and 3B to accommodate businesses. Ms. Cocca-Fulton asked if a building was already there. Ms. Crombie replied yes, there was a Ruby Tuesdays there but it was demolished and now there is a Starbucks on the east side of the property. It is being split to accommodate a new business. Ms. Cocca-Fulton wanted to know if it met the zoning requirements and Ms. Crombie said yes it did go through the Township BZA and passed, but there was not enough time to have the Bainbridge Zoning Inspector sign the mylar so a contingency will have to be made to obtain that signature. Mr. Claypool asked if Starbucks was a leaseback and Ms. Crombie wasn't sure. Mr. Claypool then asked if this was a commercial property? Ms. Crombie said it is zoned mixed use.

Ms. Cocca-Fulton asked for a motion to approve the Replat of the Marketplace at Four Corner contingent upon obtaining the signature of from the Zoning Inspector. Mr. McCaskey made the motion to approve as noted and Mr. Dvorak seconded the motion, and upon a call for the vote, the motion passes unanimously.

**7. Township Zoning Amendments to be reviewed:**

- A. Chester Township  
Amendment ZC-2022-01  
Initiated May 18 2022  
By Property Owner

Ms. Crombie said a map amendment was received last month to re-zone two parcels, but due to scheduling conflicts with a public hearing, the board was asked to act on it again. She emphasized that nothing has changed.

Ms. Crombie briefly discussed the rezoning of the two parcels located on Mayfield Road from R3A One Family Residential to C General Commercial, totaling 4.008 acres. The two parcels are located on the south side of the road. The front parcel contains an automotive repair business and the rear parcel is vacant.

Ms. Cocca-Fulton reminded the board that this is a procedural process that we must go through again with the same outcome as before.

Mr. Neola made a motion to approve the Chester Zoning Amendment ZC 2022-01 and Mr. Bergansky seconded the motion, and upon a call for the vote, the motion carried unanimously.

*See Exhibit 7A*

**7. Township Zoning Amendments to be Reviewed:**

- B. Chester Township  
Amendment ZC 2022-03  
Initiated June 1, 2022  
By Property Owner

Ms. Crombie explained the Chester Township Zoning Commission received a text amendment application initiated by the applicant, Caves Road, LLC by and through Biltmore HealthCare, LLC, that proposes to add several definitions and regulatory language to the zoning resolution. In Article 2 Definitions, it is proposed to add “Congregate Care Facility, “Nursing Home” and “Residential Care Facility”. The definition includes reference to “or other similar facilities.” In Article V, it is proposed to add “Congregate Care Facility” as an additional conditional use, and Article 6, it is proposed to add regulatory language regarding congregate care facilities.

Ms. Crombie discussed that C-General Commercial District runs primarily along US Route 322 and SR 306, but there is a smaller area at the intersection of SR 306 and Mulberry Road. Since it is proposed to add “Congregate Care Facility” to this district as a conditional use, it means that the use is permitted, but any such use must be reviewed and approved by the Chester Township board of Zoning Appeals. Ms. Crombie referred to the Township’s General Commercial zoning district list of permitted uses and explained that it is focused on retail and service related and that per the list, residential uses are not permitted in the commercial district.

Ms. Crombie noted that this is a text amendment, not a map amendment, even though the applicant submitted a site plan with the application materials; it is not specific to any one particular property. She went on to say that to focus on whether adding Congregate Care Facility as a conditional use within the C General Commercial District is reasonable as well as the proposed regulations proposed section 6.07.04.

Ms. Crombie went on to discuss the proposal of adding “Nursing Home, Residential Care Facility, and Congregate Care Facility. A Nursing home has two components; Long term care, which is 24- hour care, and skilled nursing, which is short term, usually 2- 4 weeks. The applicant’s proposed definition of “Nursing Home” means a facility licensed by the Ohio Department of Health for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care. The Ohio Revised Code definition is similar but more detailed.

“Residential Care Facility” – Ms. Crombie said the applicant’s definition is very brief and that the ORC definition is more detailed as it includes detail related to accommodations for seventeen or more unrelated individuals and supervision and personal care services and the other subsection describes for at least three or more of those individuals who are dependent on the services of others. The facilities are licensed by the Ohio Department of Health and Ms. Crombie reference the webpage from the ODH and noted that definition states primarily older adults, but it is not just by age but could also be physical and mental impairment.



“Congregate Care Facility” - Ms. Crombie said the applicant’s definition includes a nursing home, residential care, or other similar facility. Ms. Crombie discussed how allowing congregate care facility would allow nursing homes and assisted living all on one setting. She pointed out how a nursing home can be a single, primary use on its own as well as a residential care facility.

Ms. Crombie went over the applicant’s proposed language in section 6.07.04 Congregate Care Facilities. She explained that the column on the left side of the screen in “red” was the proposed regulatory language, and the right side in “blue” are items to consider. Ms. Crombie felt that the language in “red” was a little too general and could be more detailed. The 10-acre minimum lot coverage proposed by the client is too much if only a nursing home was a proposed use. She discussed how looking at research within the township only, the lot acreages for nursing homes ranges from about 2 acres to 66 acres.

Ms. Crombie explained that there are only two locations within Chester Township, that are zoned C General Commercial that could meet the 10-acre minimum. The first one being the three (3) properties mentioned in this application, and the second one being West Geauga Plaza located near SR 322 and SR 306. Ms. Crombie explained that in the future, someone could submit a map amendment to have land rezoned from residential to commercial to accommodate the facilities like the one proposed.

Ms. Crombie talked about looking at what is currently allowed in Chester Township’s Zoning Resolution for the C General District and would adding “Congregate Care Facility” be a reasonable conditional use, as this type of use is typically located in residential areas, subject to zoning and the township land use plan. Nursing homes can be considered residential and commercial in nature.

Mr. Lennon asked if Chester Township has an updated Land Use Plan and Ms. Crombie replied that there is a land use plan from 2008 and a community survey from 2020. Mr. Lennon then asked if we had a copy of the land use plan and Ms. Crombie replied yes. Ms. Crombie mentioned that “independent living” means living on your own and this could be congregate care as it could fall into the category of “other similar uses”. She went on to say that any use will have an impact on the commercial area, whether it is a restaurant or car wash and traffic is always a topic. However, traffic is not discussed at this time as this is the amendment to add the uses to the resolution and a traffic study would be required when an actual building is proposed. Ms. Crombie noted that examples of other townships with congregate care were submitted by the applicant but to keep in mind that each township decides on their own what works for them.

Ms. Crombie mentioned the Chester Township Land Use plan didn’t specifically cover congregate care but it does set land capability as a decision-making tool. This means do the physical attributes of the land lend themselves to development, which can include soil type, bedrock, and ground water supply. Ms. Crombie noted that the applicant is proposing to drill wells but also provide on-site water storage.

Mr. McCaskey asked Ms. Crombie is she was getting a little ahead of herself taking about the water? Ms. Cocca-Fulton said that this is part of the land use plan, but not part of the language proposed and Ms. Crombie needs to discuss it. Mr. Claypool commented on how we can’t take things out of context and he felt that this was a distortion. Not all properties in Chester Township have access to sewer. Mr. McCaskey replied that Ms. Crombie is saying that most properties in the C district have access to sewers.

Ms. Crombie briefly reviewed the Township’s 2020 Community Questionnaire where 23% felt skilled nursing was needed and 40% did not. Similarly, 24% felt assisted living were desirable and 43% did not.

Ms. Crombie discussed how she spoke with the Department of Aging, and Chester Township is in the top three consumers of the Department's program's related to frail adults. She went on to say that Chester Township does have a senior center, but no skilled nursing facility. The nearest skilled nursing facilities are located in Chardon, Munson, and Newbury. She also pointed out that Chester Township has a population of 27.8 % that are older than 65 years followed by Claridon and Newbury townships.

Ms. Crombie also discussed how the Geauga County General Plan Community Survey that was associated the General Plan update in 2021, did not ask a question about congregate care facilities, but the results indicated assisted living came in at 8 out 10, or about 10% for needed housing but nothing regarding nursing homes. Ms. Crombie also pointed out that the Housing Chapter of the Geauga County General Plan mentions as a tool/strategy that local governments may allow a nursing home within a commercial zoning district with adequate infrastructure but noted that a nursing home is not traditional senior living as someone would be there for a medical need. Ms. Crombie noted that adequate infrastructure is key to any project.

Ms. Crombie discussed that the Planning Commission can recommend approval, approval with modifications, or denial of the proposed amendment. She went on to say that it is recommended the phrase "or similar facility" language in the definition of "Congregate Care Facility" be removed as it is open to interpretation and recommend that the definition of "nursing home" and "residential care facility" provided by the applicant follow the ORC definition. The Prosecutor's Office also felt that the definitions were unclear as "nursing home" and "residential care facility" both refer to "congregate care facilities". They would like these definitions to be more clarified. Ms. Crombie noted that the Township could add nursing home as a conditional use but remove congregate care, residential care facility and or similar uses.

Mr. Claypool said it is fundamental question, do the residents want this? They have a right to decide on their own. Since living in Chester Township, it has been clear that when citizens were asked if they wanted multi-family, the answer has always been no. Mr. Claypool said he feels it will change the fabric of the township and that we are one step away from being a city. There is the question of whether the infrastructure can handle it. Can the police and fire department handle it? How do we want our community zoned? The citizens have the right to take part in the zoning and have a say. Mr. Claypool said the Trustees have a right to say no to this. Mr. McCaskey responded to Mr. Claypool's comments and concerns by saying that it is townships job to address these things, not the Planning Commission. The Planning Commission's job is to deny, approve with modifications, or approve. Mr. Claypool asked as a Planning Commission, do we have the right to change language, shouldn't we consider the township?

Mr. McCaskey said that all of this will be discussed at Chester Township meetings.

Ms. Cocca-Fulton said we are not in a position to tell the Township what to do. We look at the text and approve, approve with modifications, or deny. Ms. Cocca-Fulton discussed that what is presented to us is a text amendment, not a map amendment. She told the board that our job is to look at the text and make a decision. We need to consider where it meets the plans and regulations that are in place. She went on to say that the Planning Commission, have seen text amendments before and have made recommendations. She feels we can give this a thoughtful review. She said she agrees with the director that a nursing home could be permitted in a commercial district but she said the biggest thing is the circular way the definitions are all linked to one another. She said she agrees with Ms. Crombie that they are not consistent with the O.R.C, and that makes her pause. Language that simply says "or similar

to” can open the door to anyone’s interpretation whether it be a zoning inspector or zoning board member. That language doesn’t have a place in the proposed text.

Mr. Claypool asked what is the criteria for denial? Is it language, structure, or can we deny for other cause. Mr. McCaskey asked Mr. Claypool if he was at the Planning Commission meeting when we denied Auburn Township’s amendment and Mr. Claypool responded yes. Mr. McCaskey said that the Planning Commission denied the amendment for various reasons, but it still was approved at the Township level. Ms. Cocca-Fulton commented the township can take into consideration what the Planning Commission has to say, but they can do what they want with it. Mr. Claypool asked what are the causes for denial? Ms. Crombie replied that language is first and foremost. We look to see if language is good and does it follow the O.R.C. The phrase “similar to” can have multiple people making different assumptions. The County Planning Commission does not look at it the same light as the Township. We look at it as to what impact it may have on the county. Ms. Crombie said that part of her job is to give the board the information to help them make a decision based upon review of the various county and township plans.

Mr. Neola commented that the language proposed by the applicant needs to follow the O.R.C. code, and this is reason enough to deny it. He also felt that there were other things in language that were redundant. The definitions leave openings for interpretation.

Mr. Bergansky asked Ms. Crombie to put the definitions back up on the screen. He agreed that the text should follow the O.R.C. definition and you can’t change the definition. Ms. Cocca-Fulton asked if “congregate care” is more like residential? Should it be in commercial or residential? Ms. Crombie responded one of the nursing homes is in a commercial district but mostly are in residential districts. Ms. Crombie also gave an example of an assisted living building in Montville that is in a residential district and it look like a house and you cannot tell it is assisted living. Mr. Lennon asked if Holly Hill in Newbury Township was in a residential area and Ms. Crombie replied yes. Mr. Lennon said they don’t have sanitary sewer and Ms. Crombie responded they do not.

Mr. Neola commented that this sounds like it should be in a residential and not commercial. Yes, it has medical use in it but the primary use is residential. Mr. Lennon asked if the text is proposing residential care facilities and Ms. Crombie said yes. Mr. Lennon also wanted to know if multiple businesses were going in with the amendment.

Ms. Cocca-Fulton commented that this would affect the whole township. There are only two (2) areas that meet the requirement but like Ms. Crombie stated earlier, anyone can rezone to make more acreage.

Mr. Claypool said if we go back to the county plan, it goes against our rural nature and goes against the fabric of the township. How, as the Planning Commission, should we look at that fundamental change across the county? Mr. Claypool said he does not want his community changing.

Mr. Oros responded that we are looking at a change in the text amendment. Mr. Claypool responded that it is a textual change that will change the fabric of a community. Mr. Oros wanted to know if the applicant had presented this another way, would it have been viewed differently. Mr. Claypool commented that nursing homes have never been a part of Chester Township intentionally. Zoning is closely watched and guarded by the township.

Ms. Cocca-Fulton let the Planning Commission board know that the audience would like to comment. She asked if the comments could be kept to 2-3 minutes.

**Audience comments:**

Cathy Cotman: She thanked Ms. Crombie for her thorough review. One thing missing is EMS. Is there enough EMS to support this? Allowing assisted living is housing in the commercial district, and it is not considered in our land use/comprehensive plan. It would change the fabric of Chester Township. She feels that only two (2) sites would benefit from this and they are owned by the applicant. Someone could in the future rezone but also consolidate existing commercial. Everything presented required a change. Please deny.

David Mitchell: Brenner Kaprosy Mitchell LLP

Mr. Mitchell thanked Ms. Crombie for her review. He took exception to a couple of items. If you take a survey of local townships, there is a mixed use of congregate care and they bridge a gap between residential and commercial. They have a commercial component and is a good transitional use. We are not talking about senior living/independent living. Independent living facilities are not licensed. Biltmore is to develop a nursing home only. We only added the other definitions because there is another proposal coming down the pike for assisted living at the Mapes property. Skilled nursing has some similar things in common.

Mr. Mitchell noted that Chester township already has an existing assisted living facility in a residential district at Amelia Grace and he assumes it operates under some kind of use variance as the zoning resolution does not allow for that. The Township has in their resolution Section 5.00.01A, prohibited uses, which states any use not specified shall not be permitted. Mr. Mitchell continued that they had no choice but to apply for the amendment and this says you cannot do a use variance, as that would be the other option. There are no definitions in the code for the proposal so it had to be through a zoning amendment. Mr. Mitchell said the amendment does affect the Township and the township tried to attribute some kind of malicious intent. We are happy to limit it to just nursing home.

Janet Kramarz (sp?):

She agrees with Ms. Cotman

Jamie Ceric (sp?):

Nothing about this is specific and it's almost a joke. Spoke to Fire Chief and was told there are only 4 full time firemen. How are we going to do this?

Anthony Safero (sp?):

Words matter and are important. This is so specific to only two properties. It is unnecessary and unwanted. Can the applicant guarantee there will be room for Chester residents? It's about money. Chester Township does not want this. It does not meet with township plan. Amelia Grace only has 16 beds. If a nursing home goes on this site, what about the other site?

Antonio (sp?), Chester Township resident:

If this passes, life safety is going to be required; all safety needs will have to be added and the township cannot support it. Leave Chester the way it is.



Marilyn (sp?), Munson Township resident:

She has to truck in water for her pool and 76,000 gallons of water a week will ruin the streets.

Joe Bastulli, Munson Township resident:

Mr. Bastulli thanked Ms. Crombie for her review. To maintain compliance, you have to follow the O.R.C. Planning Commission has to follow the long range land use guide. Each township has one and the County has one. You must comply with long range goals of the township. In Munson there is an amendment to remove supplementary conditions and there is a court case. It is compliance with ORC. If making these changes, don't take that out of the model zoning. Mr. Bastulli said he does not see why they cannot go for a use variance. It is his suspicion that it will not meet unnecessary hardship. A 96-bed care facility is concerning about our water consumption and presence of waste water. Even if the water is filtered there are concerns of some pharmaceuticals getting into the waste water system.

Diane Olson (sp?):

Retired worker in skilled nursing. Concerned about what would happen in Chester every time someone falls. EMS would need to be called. The departments are short staffed. They would need to be here 24/7. The amount of deficiencies in nursing homes is something to consider. If there is an abuse case, then the police would need to come in. Visitors come and leave doors open and residents get out. There are eight nursing homes in Geauga and 23 in Lake. They are 50% occupied. Please deny.

Paula Gaya (sp?):

Definitions are vague and circular and it should be denied. They don't match what is in O.R.C. In regard to mechanisms in place to alleviate water issues, it is not mandatory water be trucked in. They can drill wells and take the water away. Chester questionnaire: residents were against the assisted living facilities by a 2:1 ratio. Proposal does not focus on traffic and this would be a drain to EMS, Police and Fire. No one has given us information on the capacity of the sewer. The Chester Fire Chief expressed concern in staffing levels and the ability to find recruits. Even with the property taxes, it won't pay for it.

Tiffany Hines (sp?):

My parents had to pay \$20,000 for the sewer system so a strip center could be built west of Caves Road

Cindy Valentine (sp?):

I work at Hillcrest and my father is in assisted living and half the beds are empty due to staffing issues.

Rich Furlin (sp?):

Treasurer of Munson Fire. I don't think it is your job to modify the text. This will impact the fire department. Munson and Bainbridge have full time staff for Fire Department. Munson is being called to Chester and they are being run thin.

Daniel (sp?), Chester Township resident:

If this meeting would have been in the evening, there would have been more residents.

Ms. Cocca-Fulton said that we have received a lot of comments and suggestions and we are only looking at the text. She commended everyone for coming and voicing their opinions. She pointed out that we do not represent the Township Trustees, and we have a broad board that has looked at other text before and we take our job very seriously.



Mr. Lennon asked if there was a draft of this proposal. Ms. Crombie replied this is what was submitted. She explained that due to the length of the application materials, for the meeting she presented only the proposed text but that the applicant submitted a full application.

Mr. Claypool said he would like to move to deny Chester Township Zoning Amendment 2022-03, as it was not well formed. Ms. Cocca-Fulton explained the Planning Commission's job is to approve, deny, or approve with modifications. We identify what the issues are and we always consider how the township feels, usually we don't have residents at our meetings. Ms. Cocca-Fulton continued that in general we look at the broadness, is it open to interpretation, and is it what the township wants?

Mr. Claypool said how there are two (2) issues with this proposal. It does not fit with the township plan and do we want outsiders coming in and changing the fabric of our township. He said it excludes intentionally and that we have a right to say what we want.

Motion by Mr. Claypool to deny the Chester Text Amendment No. ZC 2022-03 and seconded by Mr. Neola and upon a call for the vote, the motion carried unanimously.

***See Exhibit 7B***

#### **8. Correspondence:**

##### **A. Resignation from Commission Member Gorris:**

Ms. Crombie let the Planning Commission board know that she had received an email from Mr. Gorris announcing his resignation from the board. Ms. Cocca-Fulton asked if she could get a motion to acknowledge receipt of the resignation and request the Board of County Commissioners to fill the position as soon as possible.

Motion by Mr. Lennon to accept the resignation of Mr. Gorris and seconded by Mr. Oros and upon a call for the vote, the motion carried unanimously.

***See Exhibit 8A***

#### **9. Old Business:**

##### **A. Model Zoning: (No New Material)**

##### **B. Derchar Subdivision (No New Material)**

Ms. Cocca-Fulton said due to the amount of time, the Model Zoning and Derchar Subdivision, will be tabled to the next Planning Commission meeting.

Mr. Dvorak left the meeting.

#### **10. New Business:**

##### **A. Info Sheet Series:**

Ms. Cocca-Fulton asked to get a motion to table this to the next meeting. Motion by Mr. Lennon to table the Info Sheet Series, to next Planning Commission meeting and seconded by Mr. Begansky and upon a call for the vote, the motion carried unanimously.

B. Job Descriptions (Pay Grade Update):

Ms. Crombie told the Planning Commission board that she wanted to discuss pay grade updates. She addressed the matter that the four current job descriptions for the Planning Commission staff do not have pay grades, but reference a specific hourly wage or salary. She then presented a summary chart of four the job descriptions, what they were paid at hiring but also showing the proposed pay grades level.

Mr. Claypool asked if the employees working under the Planning Commission were classified or unclassified. He discussed how he was not aware of our employees being classified under a grade; a grade indicates a classified job. He also wanted to know if the current employees fall under the Planning Commission or the Board of County Commissioners; we don't have pay grades we have always set our own pay. He is concerned of any legal implications.

Ms. Crombie replied that she was not sure if the current employees were considered classified or unclassified and would have to research it further but that the Planning Commission has followed the County's Commissioner's pay table that includes grades.

Ms. Cocca-Fulton also acknowledged that she was not sure herself of the classification of the employees, but she felt that pay grades needed to be discussed. Mr. Neola asked if having a classified employee would take away from the Planning Commission and how does pay grade fall into this. Mr. Lennon said that past employees always had pay grades along with step increases. Ms. Cocca-Fulton asked to get a motion to table the discussion of pay grades to the next meeting to let Ms. Crombie find out more information about the classified or unclassified

Motion by Mr. Lennon to table pay grades to next Planning Commission meeting and seconded by Mr. Bergansky and upon a call for the vote, the motion carried unanimously.

Mr. Lennon left the meeting.

***See Exhibit 10B***

11. Executive Session (Per Ohio Revised Code 121.22G)

A. Employee evaluations and compensation of employees

Mr. Oros made a motion to go into Executive Session to discuss employee evaluations and compensation at approximately 9:40 a.m. and Mr. Bergansky seconded the motion, Chairman Cocca-Fulton requested a roll call vote:

Commissioner Dvorak: Absent  
Commissioner Spidalieri: Absent  
Commissioner Lennon: Absent  
Ms. Cocca-Fulton: Aye  
Mr. Neola: Aye  
Mr. Oros: Aye  
Mr. McCaskey: Aye  
Mr. Miller: Aye  
Mr. Claypool: Aye  
Mr. Bergansky: Aye

and upon a call for the vote, the motion carried unanimously.

The Commission exited Executive Session and resumed the meeting at 10:00 a.m. This item is tabled to next meeting.

**12. Adjournment**

Chairperson Ms. Cocca -Fulton adjourned the meeting at 10:01 am.



Caterina Cocca- Fulton, Chairman



Gary Neola, Secretary/Treasurer

DENNIS BERGANSKY

# Exhibit 4A

## **COUNTY PLANNING COMMISSION FINANCIAL REPORT** *Summary*

**Budget – June 13, 2022**



<u>Account</u>	<u>Appropriation</u>	<u>Expenditure</u>	<u>Balance</u>
Salaries	\$140,589.00	\$58,423.07	\$82,165.93
Supplies	\$3,848.00	\$256.96	\$3,591.04
Hosp.	\$25,604.00	10,365.00	\$15,239.00
Medicare	\$2,090.00	\$824.08	\$1,265.92
OPERS	\$19,780.00	\$8,202.35	\$11,577.65
Worker's Comp.	\$252.00	\$0.00	\$252.00
Other Expenses	5,018.00	\$735.88	4,282.12
Equipment	\$8,451.00	\$2,329.27	\$6,121.73
Contracted Services	\$0.00	\$0.00	\$0.00
Covid -19 Expenses	\$0.00	\$0.00	\$0.00
Copier Usage Services	\$1,000.00	\$0.00	\$1,000.00
Travel	\$2,600.00	\$0.00	\$2,600.00
Advertising	\$160.00	\$0.00	\$160.00
Training	\$300.00	\$0.00	\$300.00
Member, Dues, Lic. Sub	\$900.00	\$0.00	\$900.00
<b>Total</b>	<b>\$210,592.00</b>	<b>\$81,136.61</b>	<b>\$129,455.39</b>

SUMMARY RESOLUTION FOR EXPENSES  
GEAUGA COUNTY PLANNING COMMISSION

Mr. Ors MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION,  
WHICH MOTION WAS SECONDED BY Mr. Lennon.

WHEREAS, THE EXPENSES LISTED HEREIN HAVE BEEN INCURRED BY THE GEAUGA COUNTY PLANNING COMMISSION IN ORDER FOR THE COMMISSION TO PERFORM ITS DUTIES; AND

WHEREAS, THESE EXPENSES HAVE BEEN REVIEWED BY THE MEMBERS OF THE COMMISSION AT ITS JUNE 14, 2022 MEETING;

NOW THEREFORE, BE IT RESOLVED, THAT THE GEAUGA COUNTY PLANNING COMMISSION HEREBY AUTHORIZES PAYMENT OF THE FOLLOWING BILLS OR CLAIMS:

<u>P.O.</u>	<u>ACCOUNT</u>	<u>DATE</u>	<u>VENDOR</u>	<u>AMOUNT</u>
1224	OTHER	5/10	TOSHIBA BUSINESS SOLUTIONS (BLACK/WHITE/COLOR COPIES)	71.69
1224	OTHER	5/24	PAMELA IRIZARRY GAS MILEAGE (MILEAGE FROM 4/11/22 TO 5/17/22)	24.57
1235	SUPPLIES	5/10	STAPLES (OFFICE SUPPLIES)	35.91
1235	SUPPLIES	6/2	STAPLES (OFFICE SUPPLIES)	41.99

TOTAL \$ 174.16



Caterina Cobca-Fulton, Chairman



Gary Neel, Secretary/Treasurer





**Geauga County Planning Commission**  
470 Center Street, Building 1C, Chardon, Ohio 44024  
Phone (440) 279-1740 Fax (440) 285-7069  
[www.co.geauga.oh.us/Departments/Planning-Commission](http://www.co.geauga.oh.us/Departments/Planning-Commission)

---

June 7, 2022

Prepared for the June 14, 2022 Geauga County Planning Commission meeting

### **Director's Report**

**1. NEO Planning and Zoning Workshop, June 24, 2022, Punderson State Park**

As of today, registration is at capacity (100 including presenters/staff). A waiting list has been started in case any registrants cancel.

**2. House Bill 563, pending**

HB 563, which limits local authority over short-term rentals (Airbnb, et al.) continued review and a 4<sup>th</sup> hearing was held on May 10, 2022 where additional opponent and proponent testimony was heard. A vote was expected on May 18. If it passes the Ohio House, it will be sent to the Ohio Senate. The Ohio Chapter of the American Planning Association recently joined the Ohio Township Association, the Ohio Municipal League, and the Ohio Mayors Alliance in opposing the bill.

**3. Move to the new County Administrative Building**

The week of June 27-July 1 is the updated timeframe for the Planning Commission office to move into the new county building (exact days TBD). Offices we routinely work with, such as title companies, surveyors, townships, Auditor's Office, etc., will be notified as well.

Over the past months, the staff has devoted time to organizing and archiving various plans, projects, applications, etc. The month of June will be focused on physically packing up the files, supplies, etc. I will let you know if an open house is scheduled so you may visit the new building before the July 12 meeting, which will be held at the new building.

**4. Internal Form: Land Division Process Checklist**

Since mid-2021 the staff has used a checklist to ensure land divisions, lot line adjustments, and consolidations are reviewed efficiently. The current version is attached to assist you with understanding the *internal* process the staff follows when reviewing all non-platted subdivision related applications. This sheet will be incorporated into the Standard Operating Procedures.

Separate from this internal process sheet, the staff completed the draft of *How Do I Split My Property?* the first in the Info Sheet series, which will be discussed in agenda item #10A.

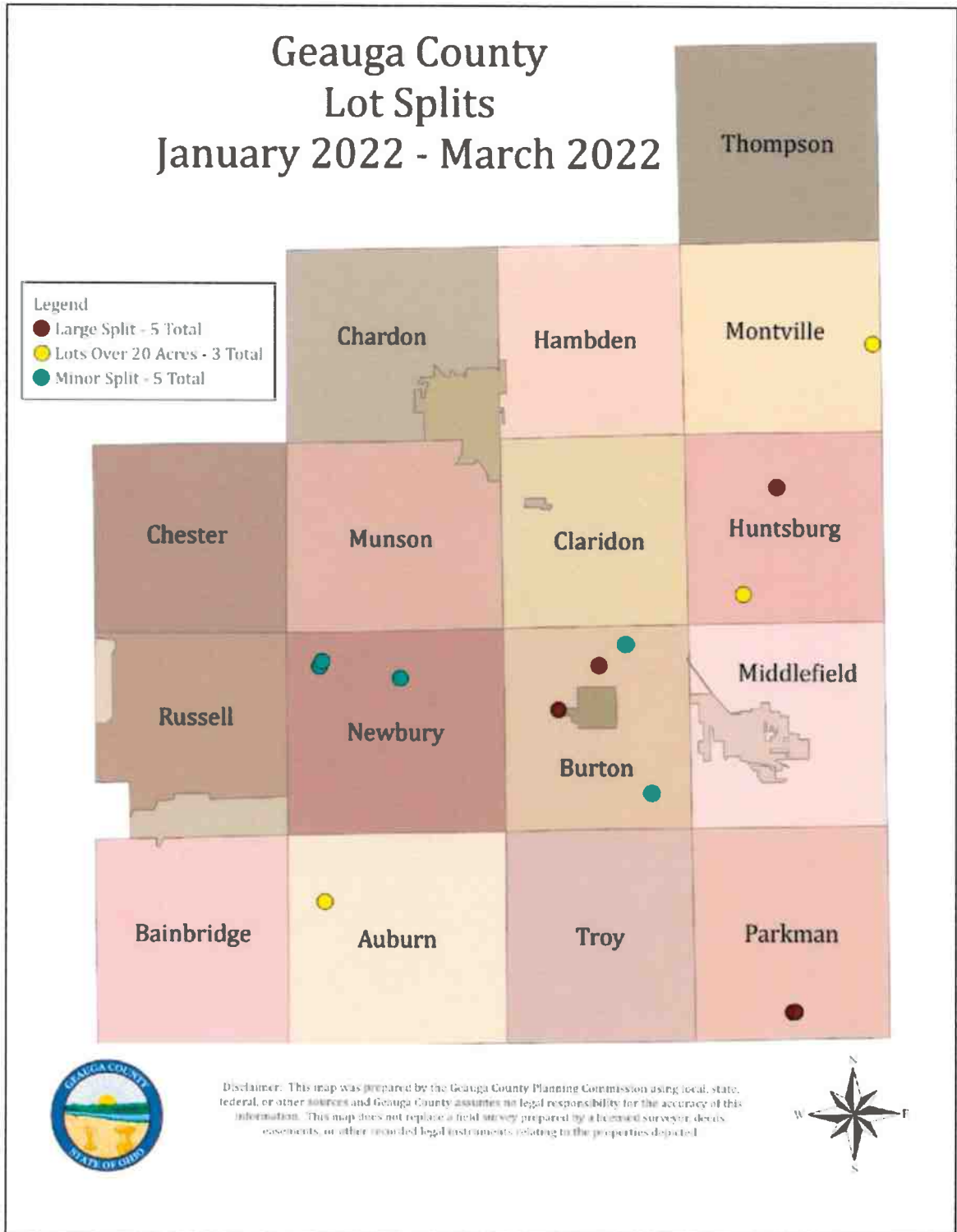
5. **New Housing Starts, January-March 2022**

Ms. Kobus prepared the map on Page 2 to visually illustrate the location of new housing starts for the 1<sup>st</sup> quarter of 2022.



**6. Lot Split Activity, January-March 2022**

Ms. Kobus also prepared the map below depicting the lot split activity across the county for the 1<sup>st</sup> quarter of 2022. A total of thirteen (13) new lots were approved.



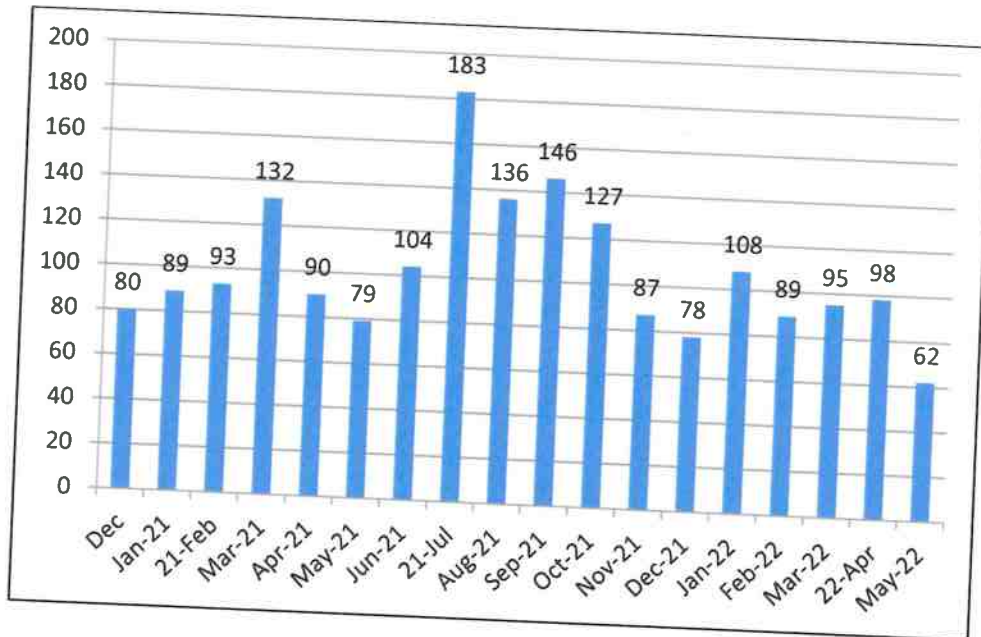
7. Work Summary, May 2022

**Geauga County Planning Commission  
Work Summary, May 2022**

**a. Planning/Zoning/Subdivision Administration**

	# Reviewed May 2022
<b>Lot Splits/Subdivisions</b>	
Re-plat	
Major Subdivision	1
Minor Subdivisions (5 acres and less)	0
Large Lot Subdivisions (Between 5-20 acres)	0
Exempt Lots (Transfer to Adjacent Owner)	2
Exempt Lots (Over 20 acres)	0
Lot consolidations	0
<b>Total</b>	<b>3</b>
<b>Zoning</b>	
Informal text or map amendment reviews	0
Formal text or map amendment reviews	1
Preliminary Lot split inquiries	20
Miscellaneous planning/zoning inquiries	30
<b>Total</b>	<b>51</b>
<b>Miscellaneous</b>	
Easements (roadway, septic, utility, etc.)	5

**Monthly Totals, Lot Split/Subdivisions, Zoning, Miscellaneous**



The following is a summary of various points of contact with the townships:

Munson

- Lot split/variance, proposed amendment

Burton

- Subdivision Regulations/flag lots.

Chester

- Amendment process

Claridon

- Prepared several maps to assist with the Township's study of flag lots

Newbury

- Edited the park/conservation map to add subdivision open space (not all inclusive) and advised on how to located subdivision plats located only in Newbury Township

Parkman

- Amendment process

Russell

- Easement

**b. Comprehensive Planning Efforts**

**i. General Plan Use**

The staff referred to the General Plan five (5) times during May 2022 for the following chapters:

- Housing: in reviewing Chester Township map amendment
- Land Use:—referred the Maple Leaf to the Plan
- Community Facilities: in reviewing the draft CEDS plan related to the Geauga Park District properties
- Infrastructure: in reviewing the draft CEDS to verify Ookla speed tests
- Background and History: verify 4<sup>th</sup> largest Amish settlement

**ii. NOACA CEDS meetings**

The 30-day public review period of the draft CEDS plan ended on May 26, 2022. A revised draft was emailed to the Steering Committee on June 3, which I included in the Dropbox link for reference. The document is noted as “For NOACA Board of Director’s Review and Approval”. I was not able to attend the most recent CEDS committee meeting on this but per the timeline previously provided, June 10 was noted as the Board of Directors meeting for approval of the CEDS document.



## Geauga County Land Division Process Checklist (for office use only)

Owner Name: \_\_\_\_\_

Street: \_\_\_\_\_ Township: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Title Company: \_\_\_\_\_

- Minor Lot Split \_\_\_\_\_  Transfer to Adjacent Owner \_\_\_\_\_
- Large Lot Split \_\_\_\_\_
- Over 20-acre lot split \_\_\_\_\_  Lot Consolidation \_\_\_\_\_

- 
- Check inquiry drawer & electronic folder for previous discussion with owner/surveyor about proposal
- Planning staff receives courtesy copy of approved survey from Tax Map. Planner emails comments/required updates related to the survey to the surveyor. Emailed Surveyor \_\_\_\_\_
- Is a new buildable lot being created?  
 Yes  No
- Two (2) copies of the updated survey and legal descriptions submitted to the Planning Commission Office. Planner will review to verify it is correct and **Date Stamp** it
- Application form(s) received
- Fee received (if applicable) \$150.00 fee each per minor lot split or large lot split. Check payable to the Geauga County Planning Commission. No fee for the remainder parcel. No fee for lot consolidations, transfer to adjacent property owner, or lots over 20 acres in area
- Health Department lot evaluation approval form(s) (if applicable) related to the septic system received (*only required for minor lot splits and large lot splits*)
- Planner verifies all application materials have been submitted and logs the information into the Excel spreadsheet in the Lot Line Adjustments folder in the K-drive and creates the electronic file folder.
- Planner writes the *ZI Letter #1* and makes a copy of the letter and the Administrative Assistant mails the original letter, legal description(s) and two copies of the survey to the Township ZI.
- Mailed to Zoning Inspector on \_\_\_\_\_
- For exempt land divisions only (*transfer to adjacent owner and lots over 20 acres*), Planner emails the map to the Health Department as a courtesy only.
- Upon receipt of the Zoning Inspector's approval, the Planner scans the approved survey, prints an 11x17 copy for the paper file and puts the scanned copy in the appropriate file.
- Received from zoning \_\_\_\_\_
- The Planner writes the *Approval Letter*, signs it, and makes a copy of the letter. The Administrative Assistant mails it to the applicant with the approved survey and legal descriptions.
- Applicant will submit the deeds to this office for approval.
- Planning Director will stamp the deeds and/or complete a "green form" (Auditor's Conveyance Checklist)
- Administrative Assistant or Planner logs the approval date into the Excel spreadsheet.
- Administrative Assistant or Planner makes two (2) copies of the deeds, writes the *ZI Letter #2*, and mails one copy of the deed(s) to the Zoning Inspector for their records. The other copy of the deed is placed in the project file folder, which is then filed in the "Deeds" drawer.



## EXHIBIT 6A

**Geauga County Planning Commission**  
470 Center Street, Building 1C, Chardon, Ohio 44024  
Phone (440) 279-1740 Fax (440) 285-7069  
[www.co.geauga.oh.us/Departments/Planning-Commission](http://www.co.geauga.oh.us/Departments/Planning-Commission)

---

### MEMORANDUM

DATE: June 7, 2022  
TO: Planning Commission members  
FROM: Linda M. Crombie, Planning Director  
RE: Marketplace at Four Corners replat, Agenda Item 6A

---

**Township:** Bainbridge                      **Number of new lots:** One (1)  
**Zoning:** MUP (Mixed Use Planning)    **Project Acreage:** 1.655  
**Subdivision:** Marketplace at Four Corners    **Lot size range:** 0.826 to 0.829  
**Project Type:** Re-plat (consolidation)    **Average lot size:** 0.82  
**Applicant:** Scott Friedman c/o of Brad Otten (Wade Trim)

---

#### Summary:

Brad Otten from Wade Trim applied on behalf of the owner, Scott Friedman of SDC III OH LLC, to split Sublot 3 of the Marketplace at Four Corners subdivision to create a new building site.

Sublot 3, located on the south side of Aurora Road, is the site of the former Ruby Tuesday restaurant, which was demolished. A Starbucks was constructed on the east side of the property and the split is proposed to accommodate an additional business. Please see the attached aerial for reference.

#### Review comments:

*Soil and Water:* Geauga SWCD has no comments or concerns on this plat consisting of a split. Stormwater was designed for full buildout when Marketplace at Four Corners was developed and approved. Only an Abbreviated Water Management and Sediment Control Plan will be required to be submitted and approved prior to being built upon.

*Bainbridge Zoning:* Comments related to the plat sent to the applicant

*Tax Map:* Comments related to the plat sent to the applicant

*Engineer's Office:* Comments related to the plat sent to the applicant

*Water Resources:* No comments (not part of Water Resources system)

*City of Aurora:* Comments not yet received

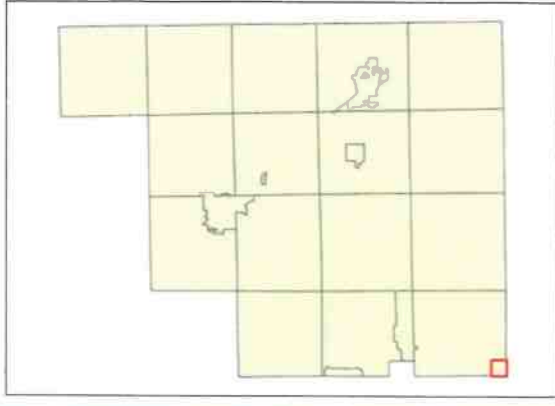
#### Recommendation

Approve the re-plat of Sublot 3 of the Marketplace at Four Corners to create Sublot 3-A and 3-B.

c: file

# The Marketplace at Four Corners Replat

Bainbridge Township



Proposed Lot

Location of Replat

Parcel Boundary



Disclaimer: This map was prepared by the Geauga County Planning Commission using local, state, federal, or other sources and Geauga County assumes no legal responsibility for the accuracy of this information. This map does not replace a field survey prepared by a licensed surveyor, deeds, easements, or other recorded legal instruments relating to the properties depicted.



City of Solon

City of Aurora





# EXHIBIT 7A



**Geauga County Planning Commission**  
470 Center Street, Building 1C, Chardon, Ohio 44024  
Phone (440) 279-1740 Fax (440) 285-7069  
[www.co.geauga.oh.us/Departments/Planning-Commission](http://www.co.geauga.oh.us/Departments/Planning-Commission)

## MEMORANDUM

DATE: May 3, 2022  
TO: Planning Commission members  
FROM: Linda M. Crombie, AICP, Planning Director  
RE: Chester Township Map Amendment, 2022-1, Agenda Item No 8A

On April 20, 2022 the Chester Township Zoning Commission accepted a map amendment application initiated by the applicant, Tranchita Enterprises, LLC (Joe Tranchita), to re-zone two parcels located on Mayfield Road from R3A One Family Residential to C General Commercial, totaling 4.008 acres. Please see the following review:

### Part I: Existing Conditions/Background Information

The two subject parcels, summarized in the chart below, known as 8833 Mayfield Road, are located on the south side of the road, approximately 2/3 of a mile east of State Route 306. The front parcel contains the automotive repair business Advanced Auto Clinic and the rear parcel is vacant.

	Owner	Parcel #	Purchased	Acres	Current Zoning	Current Use
#1	Tranchita Enterprises LLC	11-203500	10-11-11	2.002	R3A	Commercial (automotive repair)
#2	Tranchita Enterprises LLC	11-203600	10-11-11	2.006	R3A	Vacant*

\*Except for part of the septic leach field

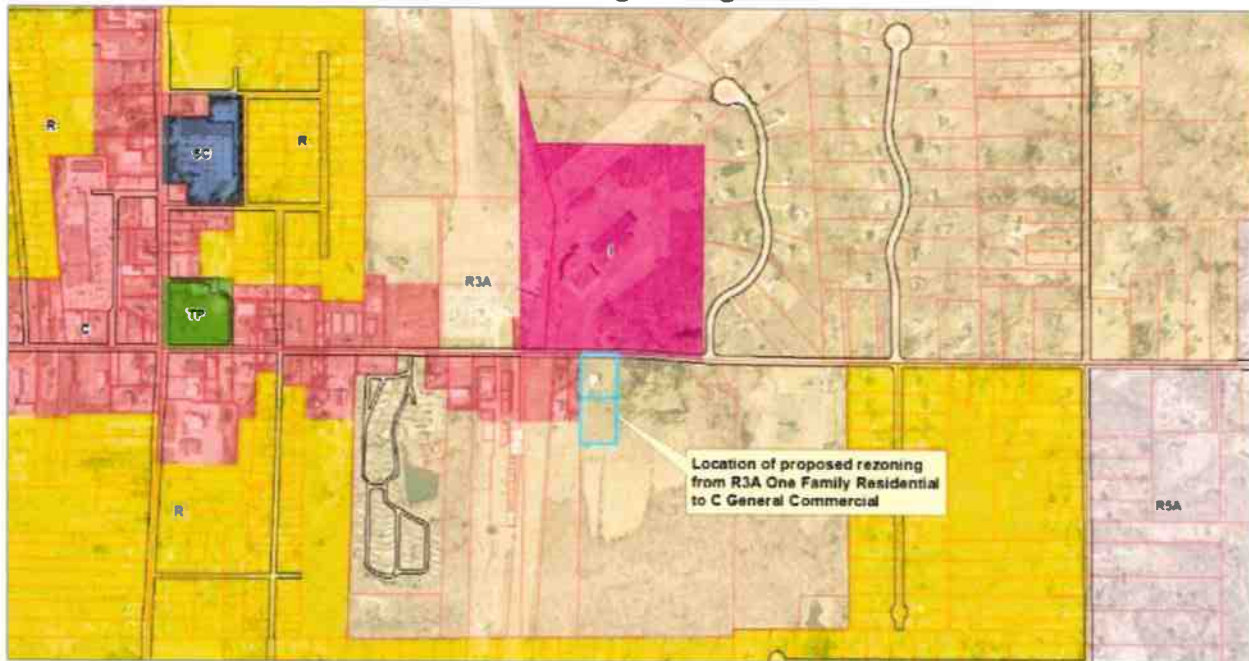
### Adjacent Zoning

North: Restricted Industrial: East: One Family Residential  
South: One Family Residential West: General Commercial

The properties are immediately adjacent to land zoned C General Commercial and R3A One Family Residential (3 acres minimum) with Restricted Industrial zoning located immediately across the street, as illustrated on the partial Existing Zoning map provided on Page 2.



### Existing Zoning

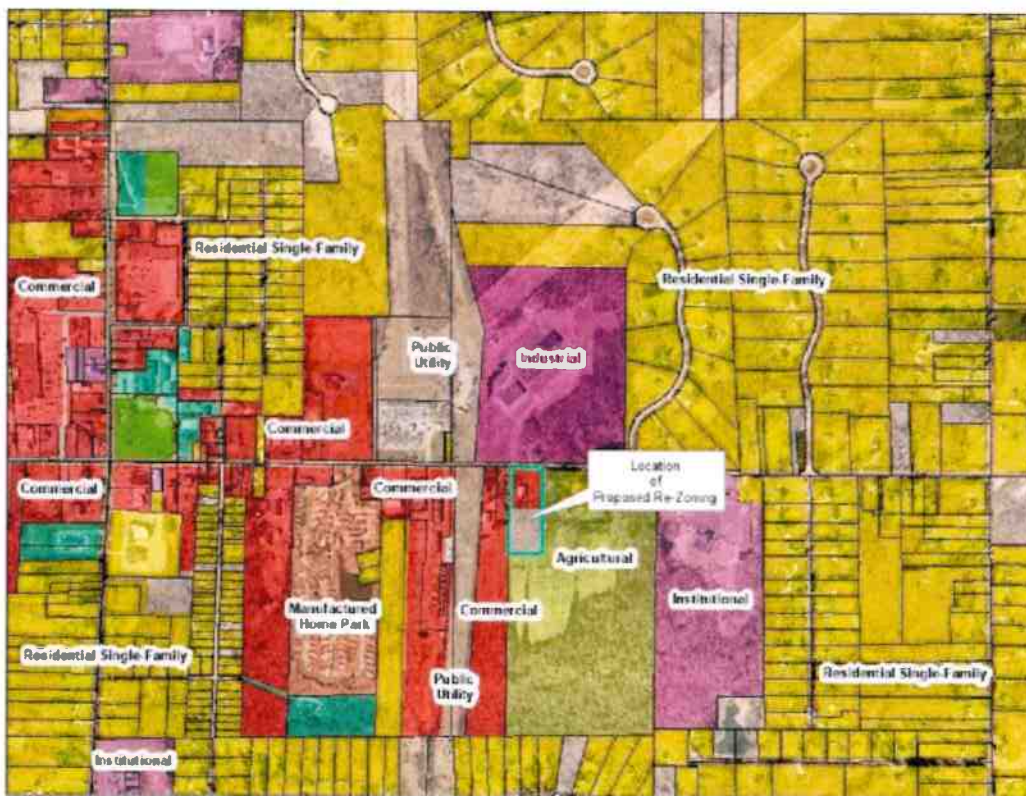


Source: Geauga County Planning Commission

### Surrounding Land Uses

The surrounding land uses include commercial uses to the west, industrial to the north, and residential/agricultural to the east/southeast.

### Existing Land Use



Source: Geauga County Planning Commission

## **Sanitary and Water Utility Access**

The existing business is currently served by a private, on-lot commercial sewage treatment system and water well. Any alterations/expansions would require approval from the Ohio EPA.

## **Part 2: Proposed Amendment and Analysis**

### **Zoning Map Amendment Proposal** ***Re-zone parcels 11-203500 and 11-203600 from R3A (One Family Residential) to C (General Commercial District)***

The subject parcels are zoned R3A One Family Residential and border the easternmost edge of the existing C General Commercial district boundary where the zoning then transitions to residential on the south side of Mayfield Road.

The properties are also subject to a use variance originally denied by the Township Board of Zoning Appeals sometime in the early 1960's, which was upheld by the Court of Common Pleas but upon further appeal, the Court of Appeals reversed the decision on January 11, 1963 and ordered "the cause remanded to the Board of Zoning Appeals with instructions to authorize the variance." The court case summary is found in the applicant's "Exhibit N".

While not clearly labeled, Exhibit E of the amendment application also includes modifications to Section 4.00.01, the description of the commercial zoning district boundary as it relates to the proposed re-zoning.

The applicant indicated the lots would be consolidated and this can be pursued regardless of the re-zoning application, especially in light of the fact that a portion of the septic system crosses over the property line.

### **Items to consider:**

#### **1. Chester Township Land Use Plan**

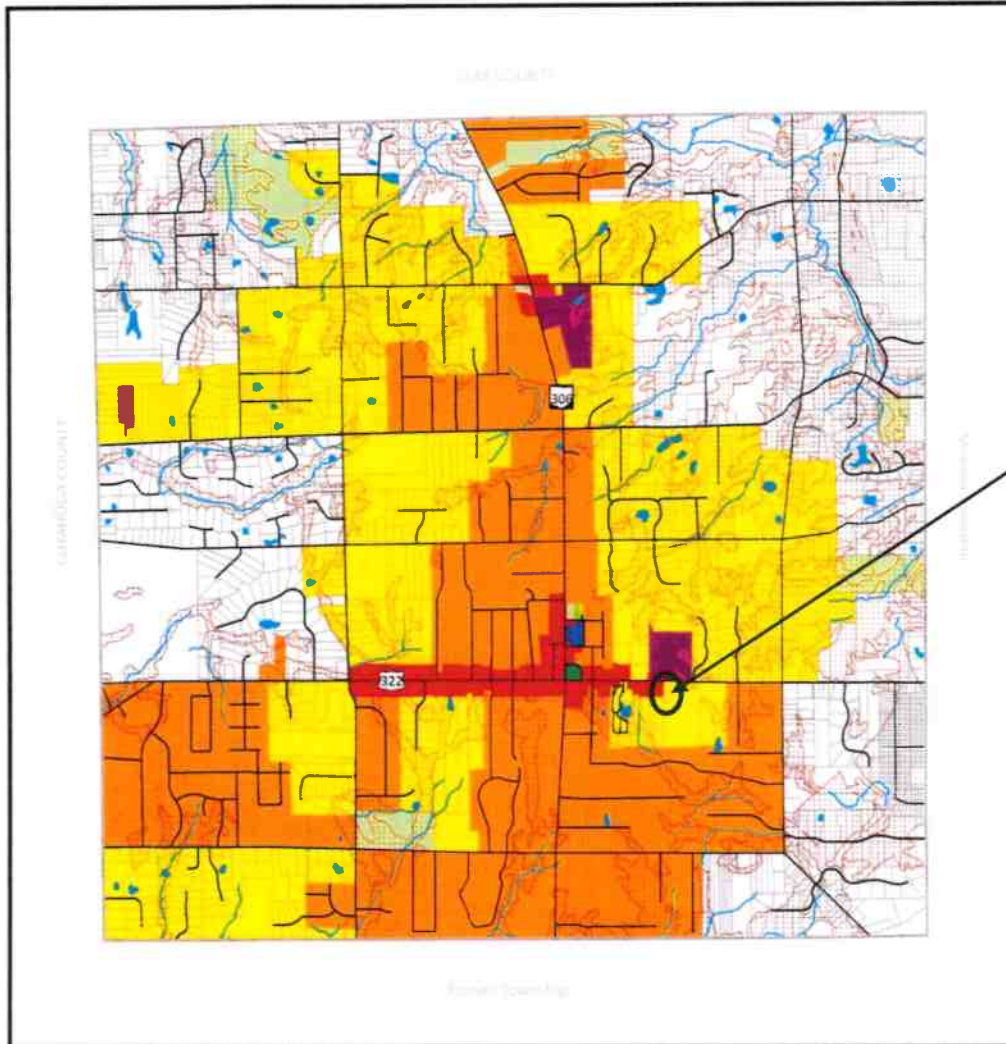
Chapter VII, Recommendations, of the Chester Land Use Plan, contains the Chester Land Use Plan Map, which is provided on Page 4 for reference.

The map designates the subject parcels as "residential" (see circled area and arrow). While this map is similar to the Zoning Map, the Land Use Plan Map reflects the Township's planned land use configuration.

At the time the LUP was prepared, the two properties were not envisioned to be commercial even though a commercial use existed. It is not known at the time when the LUP was created if the preparers were aware of the 1963 use variance or whether it factored into the preparation of the Land Use Plan Map.



Map 68



**Land Use Plan Map**

- Streams
- Surface Water
- Environmentally Sensitive Land
- R: One Family Residential
- R3A: One Family Residential
- RSA: One Family Residential
- SC: Shopping Center
- C: General Commercial
- I: Restricted Industrial
- Township Park
- PP: Passive Park
- AP: Active Park

0 1,500 3,000 6,000 9,000 12,000 Feet

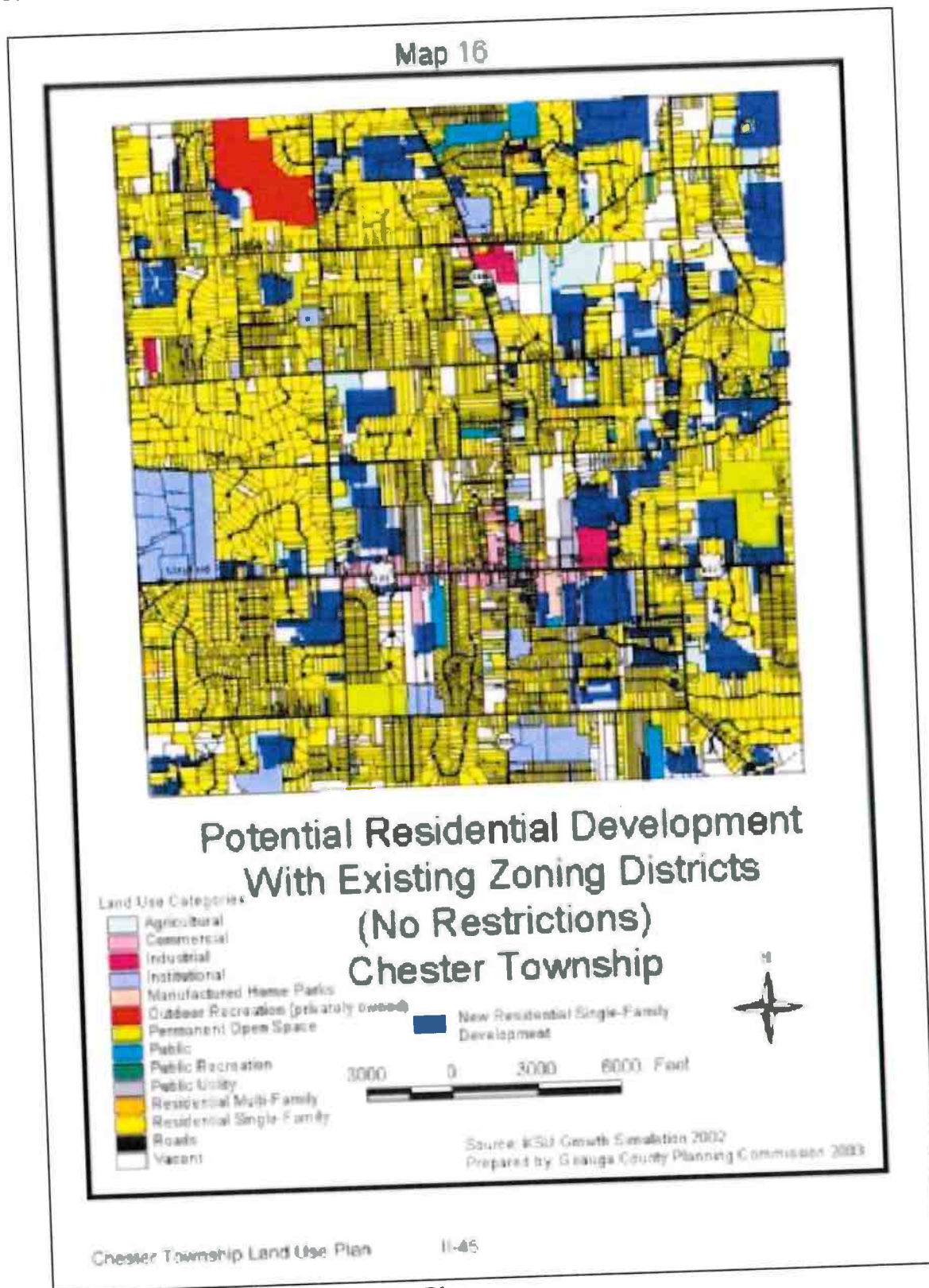
Source: Geauga County Planning Commission, 2009 and Geauga County Auditor's Office, 2009  
 Map prepared by the Geauga County Planning Commission, 12/2009, Revised 3/2010

Chester Township Land Use Plan VII-4

Replacement Page March, 2010

Source: Chester Township Land Use Plan

The applicant's justification in Exhibit J states the map contained on page II-45 of the Chester Township Land Use Plan (LUP) indicates "The subject property is not recommended for potential residential development..." For reference, that overall map is provided below.

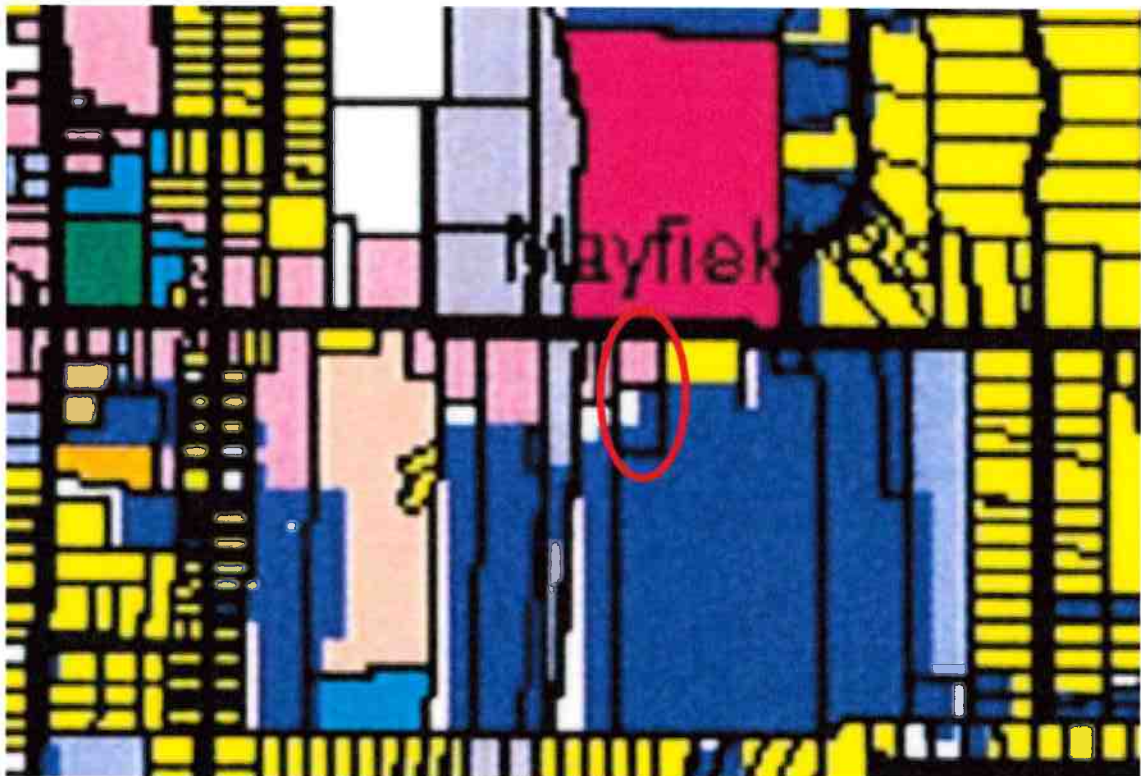


Source: Chester Township Land Use Plan



The applicant's statement is not accurate as the intent of the map was to demonstrate residential development *potential* and did not make recommendations one way or another. To provide more explanation, per page II-43 of the Chester LUP, "*Generalized growth simulations were performed to project potential single-family homes that may exist by the year 2030 in the township and the resultant growth patterns.*"

Due the scale of the map on Page 5, for additional clarity, the zoomed-in map below depicts the subject parcels (circled in red). A portion of the southerly parcel (11-203600) was designated as having potential for "New Residential Single Family Development"



Source: Chester Township Land Use Plan

#### Additional Recommendations from the Chester Land Use Plan

- *"Utilize the land use plan as a general guide for decision-making and periodically update it as conditions may warrant."*
  - This is meant to note that conditions can and do change overtime and the plan can be updated as warranted.
- *"...refer to the environmental maps contained in ...[the LUP] when advising property owners regarding zoning and related development issues."*
  - The applicant has provided detail related to the environmental aspects of the area in their application materials, including soils, slope, wetlands, groundwater and floodplain.
  - Physical/environmental features are important factors in any development proposal. Developers, of course, can alter/mitigate environmental features such as topography and wetlands. If a project has minimal environmental impact, consideration of neighboring land uses, uses permitted within the proposed zoning district, etc. become all the more important.
- *"Access management criteria, particularly along state routes in the commercial*

*district, should be taken into consideration during the site plan development review process.”*

- Based upon the list of permitted uses within the C General Commercial District, some uses could generate more traffic (restaurants) and others less traffic (florist shop) than an automotive repair business.
- Parcel 11-203500 has cross access between the adjoining commercial property to the west, 11-205700. It is not known if a recorded easement exists but it would be important for cross access to remain in deference to this LUP recommendation, given the traffic volume on U.S. 322.

## **2. 1963 Use Variance**

This application is somewhat unique due to the 1963 use variance. A use variance, if granted, is for a particular property and particular use at the time of application to the BZA. The granting of a use variance is subject to the terms of that variance and typically would not include carte blanche use of the property (e.g. future building or parking lot expansions).

The court case summary states the property owner at that time bought “four acres” and that “The variance sought was for commercial use.” The summary did not specifically mention “automotive repair”. As only the northerly two-acre parcel is occupied by the building, parking lot, and signage I requested the Township provide the original BZA application from the 1960’s for further review of what the use variance actually entailed. At the time of this memo, the BZA secretary planned to look for the file later this week.

## **3. C General Commercial zoning district—permitted uses**

It is important to note that while the use variance was granted in 1963, should the business be discontinued, rezoning the property to C General Commercial would allow any of the commercial uses listed in Section 5.02.01, which is attached for reference as “Exhibit A”.

Some of those listed are similar in use to automotive repair, such as furniture repair and upholstery shops, bicycle sales and service shops, and garage door sales and service shops. Other uses could be more intense than automotive repair, such as building material/supply shops, equipment rental centers, and towing services.

It is presumed that an automotive repair business has been operating at this location since 1963. The building layout would, therefore, be conducive for automotive repair as it contains multiple garage doors, vehicle lifts, and other related machinery. Continued use of the building could be automotive repair, but is not guaranteed to be so, if the properties were to be re-zoned.

Please also note that “automotive repair and painting” is permitted in the I-Restricted Industrial District.

## **4. Re-zoning versus Enforcement of Article 10, Non-conforming uses.**

The existing business can continue based upon the terms of the 1963 use variance. As a re-zoning is now proposed, it is important to consider other options to the rezoning. Enforcement of Article 10, Non-conforming Uses, rather than a re-zoning is an option. It does, however, involve the property owner having to apply for a use variance to the

Chester Township BZA for any proposed expansions/modifications and the applicant would have to demonstrate hardship per the standards in Section 12.02.04(B)(17)(c)(2).

**5. Screening from adjacent residential uses**

Existing vegetation provides screening of the subject properties from the adjoining residential property located to the east and south. If the properties were to be rezoned to the C District, applicable screening requirements would apply.

**6. Automotive repair—not a listed permitted use**

Rezoning the subject properties to the C General Commercial district does not automatically permit “automotive repair” as it is not currently a listed permitted use in that district. The applicant also did not include the request to add “automotive repair” to Section 5.02.01 Permitted Principal, Buildings, Structures and Uses.

Therefore, if the re-zoning were to be approved, there is no guarantee an amendment to add “automotive repair” would be submitted. Or if one was, that the Township would approve it as that would mean automotive repair would be permitted anywhere in the C District.

**7. Geauga County General Plan**

An economic development related goal of the Geauga County General Plan is “Retaining, expanding, and attracting businesses in commercially and industrially zoned areas to expand the local tax base should be encouraged.” Although the subject properties are not currently commercially zoned, it is commercially used and consideration should be given to business’s retention and/or expansion needs, including both the re-zoning or granting of an additional use variance.

**Part 3: Recommendation**

The Planning Commission can recommend approval, approval with modifications, or denial of the proposed amendment, per ORC 519.12 (E-1-a). Please see the following:

- Re-zonings to commercial should be carefully considered based upon many factors including existing land use patterns, traffic, environmental concerns (if any), lighting, sound, existing local plans etc.
- In the Chester Land Use Plan Map these properties are designated as residential.
- This application is somewhat unusual as it involves a use variance from 1963. That does not solely warrant granting of a re-zoning as enforcement of Article 10 is an option for the business to continue and expand while maintaining the existing C General Commercial district boundary.
- In “Exhibit J” of the applicant’s application it states “Lastly, and most importantly, rezoning the affected property to commercial is in harmony with the McDonald decision by the Court of Appeals...” Insufficient knowledge of all of the facts related to the 1963 variance case makes for a less informed decision.
- Rezoning the properties would subject this area to the full list of commercial uses permitted within the C General Commercial district. The applicant has not asked for automotive repair to be add to the list of commercial uses.

A recommendation will be forthcoming until more information is found regarding the specifics of the 1963 use variance.





# Chester Township

Founded 1801

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026

ZONING COMMISSION

May 19, 2022

Attached please find Form No. 21, Application for a Zoning Amendment. The applicant is Tranchita Enterprises LLC, Joe Tranchita. It has been assigned amendment number, ZC-2022-01.

This identical application was initially submitted to the Geauga County Planning Commission on April 21, 2022 and heard at the May 10<sup>th</sup> Geauga County Planning Commission meeting.

Because we missed the deadline for notifying property owners within and contiguous to and directly across the road from the area proposed, we were advised to start the entire process again from the beginning.

Also attached is a copy of the May 11, 2022 letter advising the Zoning Commission of its approval for your reference.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen McCarthy".

Kathleen McCarthy  
Chester Township Zoning Administrative Assistant



**Geauga County Planning Commission**  
470 Center Street, Building 1C, Chardon, Ohio 44024  
Phone (440) 279-1740 Fax (440) 285-7069  
[www.co.geauga.oh.us/Departments/Planning-Commission](http://www.co.geauga.oh.us/Departments/Planning-Commission)

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May 11, 2022

Ms. Kathleen McCarthy, Secretary  
Chester Township Zoning Commission  
12701 Chillicothe Road  
Chesterland, Ohio 44026

Re: Proposed Zoning Amendment No. Z 2022-1  
Initiated on April 20, 2022

Dear Ms. McCarthy:

Please be advised that the Geauga County Planning Commission at its meeting held on May 10, 2022 voted to recommend approval of the proposed Chester Township Zoning Amendment Z 2022-1 as initiated by the property owner, Tranchita Enterprises, LLC on April 20, 2022.

Pursuant to R.C. 519.12, the Planning Commission's recommendation must be considered by the Zoning Commission at its public hearing regarding the proposed amendment. Subsequent to the hearing, the recommendation is to be forwarded to the Board of Township Trustees. If the subject amendment is adopted by the Board of Trustees, a copy thereof must be provided to this office within five (5) days after its effective date.

If you have any questions, please contact the Planning Commission at (440) 279-1740.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Crombie".

Linda M. Crombie, AICP  
Planning Director, Geauga County Planning Commission

c: Susan Wieland, APA  
Amendment file

FORM NO. 30  
TRANSMISSION OF A COPY OF THE (RESOLUTION)  
(MOTION) (APPLICATION) FOR A PROPOSED AMENDMENT TO THE  
CHESTER TOWNSHIP ZONING RESOLUTION  
TOGETHER WITH THE TEXT (AND THE MAP)  
PERTAINING THERETO TO THE COUNTY  
PLANNING COMMISSION  
O.R.C. SECTION 519.12(E)

The CHESTER Township Zoning Commission hereby submits the attached copy of  
the (resolution) (motion) (application) for a proposed amendment, identified as number 20-2022-01  
to the CHESTER Township Zoning Resolution together with the attached text (and the map)  
pertaining thereto to the Geauga County Planning Commission this 18TH day of  
MAY, 20 22

CHESTER Township Zoning Commission

Member

Print Name: JOHN OSWICK

Member

Print Name: ANTHONY NASTAS

Member

Print Name: MICHAEL LAURO

Member

Print Name: ANDY GHESS

Member

Print Name: SERGEY KATS

Attested to by:

Kathleen McCarthy  
Secretary, Township Zoning Commission

Print Name: KATHLEEN MCCARTHY

Received by the Geauga County Planning Commission this 19<sup>th</sup> day of May, 2022.

Linda M. Crombie  
Signature of Planning Commission  
Member or Employee

Print Name: Linda M. Crombie

**Note: Within five (5) days after the adoption of the motion or the certification of the resolution or the filing of the application for a proposed zoning amendment, the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county planning commission.**

**The county planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment.**

FORM NO. 27

MOTION TO SET A DATE

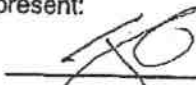
FOR A PUBLIC HEARING ON A

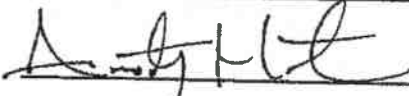
PROPOSED AMENDMENT TO THE

CHESTER TOWNSHIP ZONING RESOLUTION

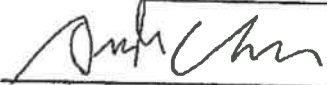
O.R.C. SECTION 519.12(A) or (E)

The CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission),  
Geauga County, Ohio, met in REGULAR session on the 18TH day of MAY,  
2022, at CHESTER with the following members present:  
TOWN HALL

  
Print Name: JON OSWICK

  
Print Name: ANTHONY NASTASI

  
Print Name: MICHAEL LAURO

  
Print Name: ANDY CHESS


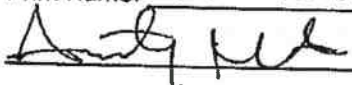


  
Print Name: SERGEY KATS

ANDREW CHESS moved the adoption of the following motion:

That the CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission)  
conduct a public hearing on the proposed amendment, identified as number 2022-01 to the  
CHESTER Township Zoning Resolution as attached hereto on the 15TH day of  
JUNE, 2022 at 7:00 o'clock p.m. at the CHESTER TOWN HALL.




MICHAEL LAURO seconded the motion and the roll being called, the vote of the CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission) was as follows.

<u>Member</u>	<u>Yes or No</u>
 Print Name: <u>JON OSWICK</u>	<u>YES</u>
 Print Name: <u>ANTHONY NASTASI</u>	<u>YES</u>
 Print Name: <u>MICHAEL LAURO</u>	<u>YES</u>
<u>ANDY CHES</u> Print Name: <u>ANDY CHES</u>	<u>YES</u>
 Print Name: <u>SERGEY KATS</u>	<u>YES</u>

Adopted the 18TH day of MAY, 2022.

Attested to by:

  
(Township Fiscal Officer)  
(Secretary, Township Zoning Commission)

Print Name: KATHLEEN MCCARTHY

**Note:** Upon the adoption of the motion, or the certification of the resolution, or the filing of the application for a proposed zoning amendment, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the adoption of such motion, or the certification of such resolution, or the filing of such application.

The board of township trustees shall, upon receipt of the recommendation of the township zoning commission on a proposed zoning amendment, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

Replacement Page 5/1/06

FORM NO. 28

NOTICE OF A PUBLIC HEARING

ON ~~(MOTION)~~ ~~(RESOLUTION)~~ (APPLICATION)

PROPOSING TO AMEND THE

CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(C)

Notice is hereby given that the CHESTER Township Zoning Commission will conduct a public hearing on a(n) ~~(motion)~~ ~~(resolution)~~ (application) which is an amendment, identified as number 2-2022-01 to the CHESTER Township Zoning Resolution at the CHESTER TOWN HALL at 7:00 o'clock p.m. on JUNE 15, 2022.

The addresses and PPN's of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list are:

11-203500 AND 11-203600  
TRANCHITA ENTERPRISES LLC, JOE TRANCHITA

The present zoning classification of property named in the proposed amendment is R3A.

The proposed zoning classification of property named in the proposed amendment is C GENERAL COMMERCIAL.

The ~~(motion)~~ ~~(resolution)~~ (application) proposing to amend the zoning resolution will be available for examination at the CHESTER TOWN HALL from 9:00 o'clock a.m. to 3:00 o'clock p.m. from JUNE 6, 2022 through JUNE 15, 2022.

After the conclusion of the public hearing the matter will be submitted to the board of township trustees for its action.

Kathleen McArthur  
Name of person responsible for giving notice of public hearing

Print Name: KATHLEEN McARTHUR

Replacement Page 7/1/14

**Note:** ✓ This notice should be used only if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.

✓ The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

✓ This notice of public hearing shall be given by the township zoning commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

This notice of public hearing shall also be sent by the zoning commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the road from the area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list.

FORM NO. 21

APPLICATION FOR A ZONING AMENDMENT

CHESTER TOWNSHIP

O.R.C. SECTION 519.12(A)

The undersigned owner(s) or lessee(s) of the following legally described real property hereby request the adoption of the following zoning amendment to the Chester Township Zoning Resolution.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

- A. Name of Applicant: Tranchita Enterprises LLC, Joe Tranchita  
Address of Applicant: 8485 Kirkwood Dr., Chesterland, OH 44026  
Telephone Number of Applicant: (440) 729-5350  
Fax Number of Applicant: (440) 397-2317  
E-mail Address of Applicant: aaclinic1@gmail.com
- B. Address(es) and PPN(s) of the lot(s): 8833 Mayfield Rd., Chesterland, OH 44026  
PPN 11-203500 and 11-203600
- C. Describe the present use of the lot(s): County Auditor Class 455: Commercial Garage  
for PPN 11-203500, Vacant for PPN 11-203600.
- D. Describe the present zoning classification of the lot(s): R3A: One Family Residential
- E. Provide the text of the proposed amendment: (use strike-through on any existing text to be deleted and highlight proposed text) To rezone PPNS 11-203500 and 11-203600 from R3A: One Family Residential to C: General Commercial. See attached Exhibit "E" for legal description of C: General Commercial Zone to be amended.
- F. What is the proposed zoning district classification? (if applicable) C: General Commercial
- G. Attach a copy of the deed(s) of record with a legal description for the lot(s) included in the proposed amendment. The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application. See attached Exhibit "G".
- H. Attach a map, drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot(s). See attached survey map Exhibit "H".
- I. Attach a copy of the official township zoning map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable. See attached Exhibit "I".
- J. Attach a statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan. See attached Exhibit "J".

Replacement Page 3/3/14

K. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply systems. See attached Exhibit "H".

L. Provide a list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the road from the area proposed to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list. See attached Exhibit "L".

I hereby certify that all of the information supplied in this application and attachments hereto is true and correct to the best of my knowledge, information and belief.

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Joe Tranchita Tranchita Enterprises  
Applicant's Signature

Print Name: Joe Tranchita

2/1/22  
Date

FOR OFFICIAL USE ONLY

Application or Amendment Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_

Date of Submission to County Planning Commission: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Dates, time and place of public examination: \_\_\_\_\_

Date of Notice to Property Owners: \_\_\_\_\_

Date of Notice in Newspaper: \_\_\_\_\_  
(provide name of newspaper)

Date of Submission to Board of Township Trustees: \_\_\_\_\_

Amount of Fee Paid: \$ \_\_\_\_\_

I hereby acknowledge the receipt of this application for a zoning amendment this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Chairman or Secretary of  
Township Zoning Commission

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

Replacement Page 3/3/14



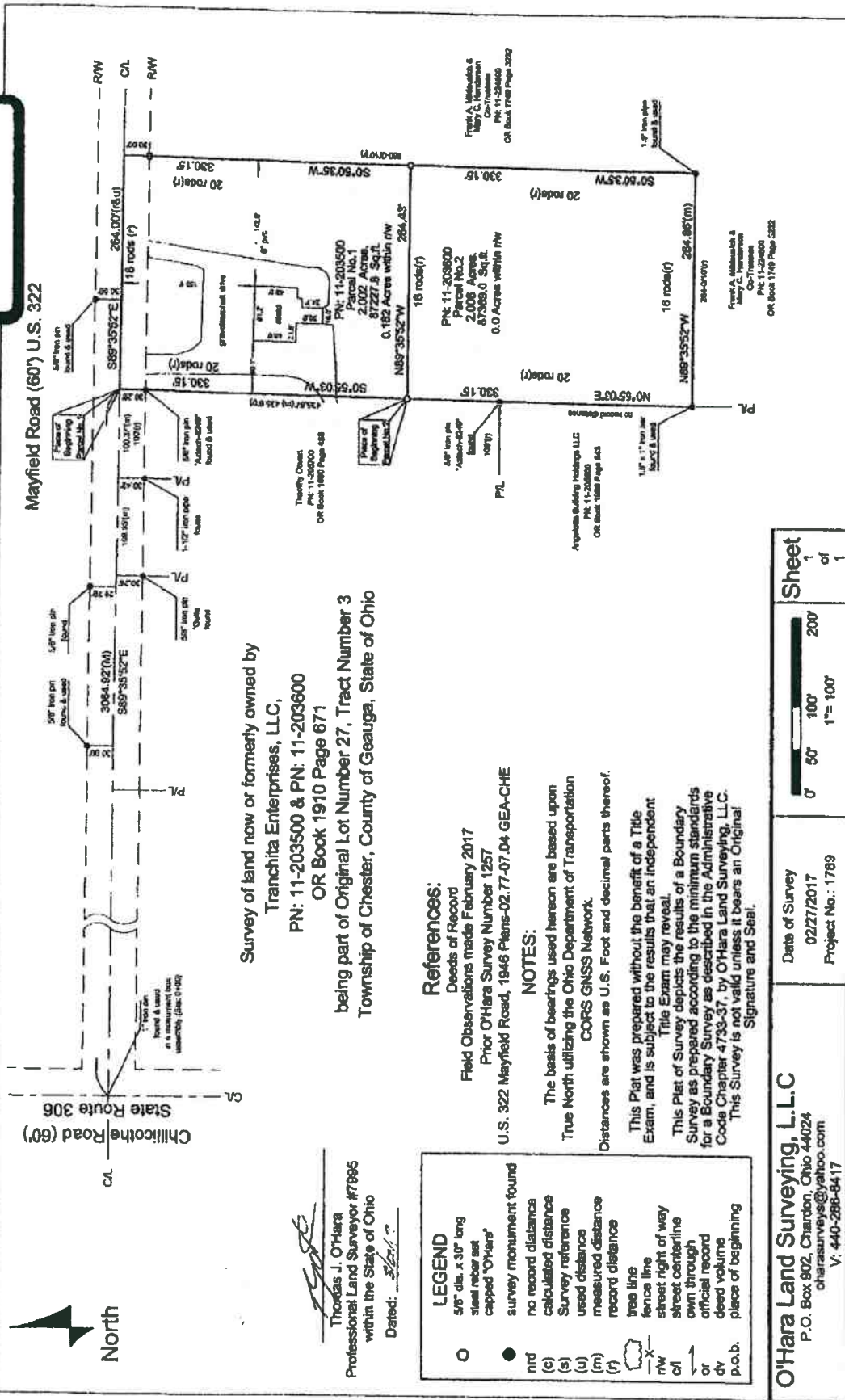
## EXHIBIT "E"

- Course LV. Thence easterly along the centerline of said Mayfield Road to the northeasterly corner of parcel ~~#11-205700;~~ **11-203500;**
- Course LVI. Thence along the easterly line of said parcel ~~#11-205700.~~ **#11-203500** and ~~11-205800~~ **#11-203600** to a point that is **the southeasterly corner of parcel #11-203600;** thence westerly along the southerly line of parcel **#11-203600** to a point at the **southwesterly corner of parcel #11-203600;** thence northerly along the westerly line of parcel **#11-203600** to a point that is 500 feet distant from, by normal measurement, the centerline of Mayfield Road;

EXHIBIT

H

Labels



Survey of land now or formerly owned by  
 Tranchita Enterprises, LLC,  
 PN: 11-203500 & PN: 11-203600  
 OR Book 1910 Page 671  
 being part of Original Lot Number 27, Tract Number 3  
 Township of Chester, County of Geauga, State of Ohio

**References:**  
 Deeds of Record  
 Field Observations made February 2017  
 Prior O'Hara Survey Number 1257  
 U.S. 322 Mayfield Road, 1946 Plans-02.77-07.04 GEA-CHE

**NOTES:**  
 The basis of bearings used hereon are based upon  
 True North utilizing the Ohio Department of Transportation  
 CORS GNSS Network.  
 Distances are shown as U.S. Foot and decimal parts thereof.  
 This Plat was prepared without the benefit of a Title  
 Exam, and is subject to the results that an independent  
 Title Exam may reveal.  
 This Plat of Survey depicts the results of a Boundary  
 Survey as prepared according to the minimum standards  
 for a Boundary Survey as described in the Administrative  
 Code Chapter 4733-37, by O'Hara Land Surveying, L.L.C.  
 This Survey is not valid unless it bears an Original  
 Signature and Seal.

**LEGEND**

- 5/8" dia. x 3/8" long steel rebar set capped "O'Hara"
- survey monument found
- nd no record distance
- (c) calculated distance
- (s) Survey reference
- (u) used distance
- (m) measured distance
- (f) record distance
- tree line
- fence line
- street right of way
- street centerline
- own through
- official record
- deed volume
- place of beginning

nd  
(c)  
(s)  
(u)  
(m)  
(f)  
tree line  
fence line  
street right of way  
street centerline  
own through  
official record  
deed volume  
place of beginning

Thomas J. O'Hara  
 Professional Land Surveyor #7865  
 within the State of Ohio  
 Dated: 2/27/2017

**O'Hara Land Surveying, L.L.C.**  
 P.O. Box 902, Chariton, Ohio 44024  
 oharasurveying@yahoo.com  
 V. 440-288-8417

Date of Survey: 02/27/2017  
 Project No.: 1789

Sheet 1 of 1  
 Scale: 0' 50' 100' 200'  
 1" = 100'

(last page)

Instrument 201100830988 OR Book Page 1910 671

Exhibit "G"

REAL PROPERTY TRANSFER TAX  
TRANSFERRED AND PAID

OCT 11 2011

FEES 225.00 x 4  
Frank J. Gliha, County Auditor  
BY: Sally McCarney

201100830988  
Filed for Record in  
GEAUGA COUNTY OHIO  
SHARON C GINGERICH, RECORDER  
10-11-2011 At 03:31 PM.  
DEED 36.00  
OR Book 1910 Page 671 - 673

LAWYERS TITLE OF CHANDLER  
# 110296

WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS**

THAT, NINO C. GABRIELE (Divorced and not re-married), the Grantor, who claims title by or through an instrument recorded in Volume 1019, Page 1315, County Recorder's Office, for and in consideration of Ten Dollar (\$10.00) received to her full satisfaction of TRANCHITA ENTERPRISES, LLC (a limited liability company), the Grantee, whose tax mailing address will be 8485 Kirkwood Drive, Chesterland, OH 44026, has Given, Granted, Bargained, Sold and Conveyed unto the said Grantee, its administrators, successors and assigns, the following described premises:

See Exhibit "A"

Permanent Parcel Nos. 11-203500 11-203600

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereunto belonging, unto the said Grantee, its administrators, successors and assigns forever. And the said Grantor does for himself and his heirs, executors, administrators, successors and assigns covenant with the said Grantee, its administrators, successors and assigns, that at and until the ensembling of these presents, he is well-seized of the above-described premises as a good and indefeasible estate in fee simple and has good right to bargain and sell the same manner and in form as above written; that the same is free and clear of all liens and encumbrances whatsoever, except restrictions, reservations, conditions and easements of record; zoning regulations, if any; and taxes and assessments, both general and special, not yet due and payable; and that it shall warrant and defend said premises, with the appurtenances thereunto belonging, unto the said Grantee, its administrators, successors and assigns, forever, against all lawful claims and demands whatsoever except as stated above.



IN WITNESS WHEREOF, I have hereunto set my hand at Chardon, Ohio  
on this 11<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
NINO C. GABRIELE

STATE OF OHIO            )  
                                  ) SS.  
COUNTY OF GEAUGA    )

Before me, a Notary Public in and for said County and State, personally appeared the above named NINO C. GABRIELE (Divorced and not re-married), the Grantor, who acknowledged that he did sign the foregoing instrument and that the same was his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official at Chardon, Ohio on the 11<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Notary Public

This Instrument prepared by:  
JOSEPH H. WEISS, JR.  
Attorney at Law  
8228 Mayfield Road  
Chesterland, Ohio 44026  
(440) 729-7278

DEBRA MACK  
Notary Public, State of Ohio  
My Commission Expires 1/16/15  
Recorded in Geauga County

EXHIBIT "A"

PARCEL NO. 1  
Situating in the Township of Chester, County of Geauga and State of Ohio: and bounded and described as follows, to wit: Part of Original Lot No. 27, Tract 3;

Beginning in the center of the east and west road, (Mayfield) at the northwest corner of lands deeded to Cyrus Keeny by Sarah B. Johnson and Martin W. Johnson by deed bearing date March 21, 1865, be the northeasterly corner of land in the name of R. & D. Mansfield, as shown by Deed recorded in Volume 332, Page 435 of Geauga County Records of Deeds;

Thence East along the center of said Road 16 rods;

Thence South parallel to the west line of said land, 20 rods;

Thence West parallel to the center of said road 16 rods to lands now owned by Laura Rudy;

Thence North on said Rudy's east line, 20 rods to the place of beginning, containing 2.00 acres of land, be the same more or less, but subject to all legal highways.

PARCEL NO. 2  
Situating in the Township of Chester, County of Geauga and State of Ohio, and known as part of Lot No. 27 in Tract No. 3 and bounded as follows:

Commencing twenty (20) rods south of the center of the east and west state road (Mayfield) so called and by Laura Rudy's east line being in the easterly line of land in the name of H. & D. Mansfield as recorded in Volume 332, Page 435 of Geauga County Records;

Thence South along said line 20 rods;

Thence East 16 rods to a stake;

Thence North 20 rods to land deeded by Cyrus Keeny to Ruth Cook;

Thence West along the south line of said Ruth Cook land 16 rods to the place of beginning, containing 2.00 acres of land, be the same more or less, but subject to all legal highways.

DESCRIPTION  
Reviewed by AKO  
Date 10-11-11  
GEAUGA COUNTY AUDITOR

Property Address: 8833 Mayfield Road, Chesterland, OH 44026  
Tax ID No.: 11-203500, 11-203600



**Tranchita Enterprises, LLC**  
PN: 11-203500 and 11-203600, OR Book 1910 Page 671, Parcel Number 1 and 2

Situated in the Township of Chester, County of Geauga, State of Ohio, being part of Lot Number 27, Tract Number 3, in said Township. Beginning at the centerline intersection of Chillicothe Road (State Route 306) (60') and Mayfield Road (U.S. Route 322) (60'), said point witnessed by a 1" iron pin found in a monument box assembly. Said point being Station 0.00 per Road Records U.S. 322 Mayfield Road, 1946 Plans-02.77-07.04 GEA-CHE. Thence South 89°35'52" East along the centerline of Mayfield Road, a distance of 3064.92 feet to a point, said point being the northeast corner of land now or formerly owned by Timothy Covert, PN: 11-205700 as recorded in OR Book 1690 Page 488 in Geauga County Record of Deeds (GCRD), said point being the Place of Beginning of the parcel herein described.

Thence South 89°35'52" East continuing along the centerline of Mayfield Road a distance of 264.00 feet to a point, said point being a northwest corner of land now or formerly owned by Frank A. Miklausich & Mary C. Henderson, Co-Trustees, PN: 11-224500, as recorded in as recorded in OR Book 1749 Page 3232 (GCRD).

Thence South 00°50'35" West along the West line of PN: 11-224500, aforementioned, passing through a 5/8" iron pin "O'Hara" found at 30.00 feet, a 5/8" iron pin "O'Hara" found at 330.15 feet, a total distance of 660.30 feet to a point, said point being an interior corner of PN: 11-224500, aforementioned, said point witnessed by a 1-1/2" iron pipe found.

Thence North 89°35'52" West along a North line of PN: 11-224500, aforementioned, a distance of 264.86 feet to a point, said point being on the East line of land now or formerly owned by Angelotta Building Holdings LLC, PN: 11-205800, as recorded in OR Book 1989 page 643 (GCRD), said point witnessed by a 1-1/2" x 1" iron bar found.

Thence North 00°55'03" East along the East line of PN: 11-205800, aforementioned and the East line of PN: 11-205700, aforementioned, passing through a 5/8" iron pin "Aztech #8249" found at 224.84 feet, a 5/8" iron pin "O'Hara" found at 330.15 feet, a total distance of 660.31 feet to a point in the centerline of Mayfield Road, passing through a 5/8" iron pin "Aztech #8249" found at 30.26 feet therefrom, said point being the Place of Beginning, and containing 4.008 total acres of land, 0.182 acres within the right of way of Mayfield Road, be the same more or less, but subject to all legal highways, pursuant to a Survey (3080) dated January, 2022, by O'Hara Land Surveying, L.L.C. and Thomas J. O'Hara, Ohio Registered Surveyor No. 7995. The basis of bearings used hereon are based upon True North utilizing the Ohio Department of Transportation CORS GNSS Network. Distances are shown as U.S. Foot and decimal parts thereof. The intent of this description is to consolidate all of the land now owned by Tranchita Enterprises, LLC, PN: 11-203500 and 11-203600, as recorded in OR Book 1910 Page 671, Parcel Number 1 and 2, in Geauga County Record of Deeds. All iron pins noted as being set are 5/8" x 30" long steel rebar, bearing a plastic cap "OHARA 7995".

Thomas J. O'Hara  
Ohio Registered Surveyor No. 7995  
Dated: 01/04/2022

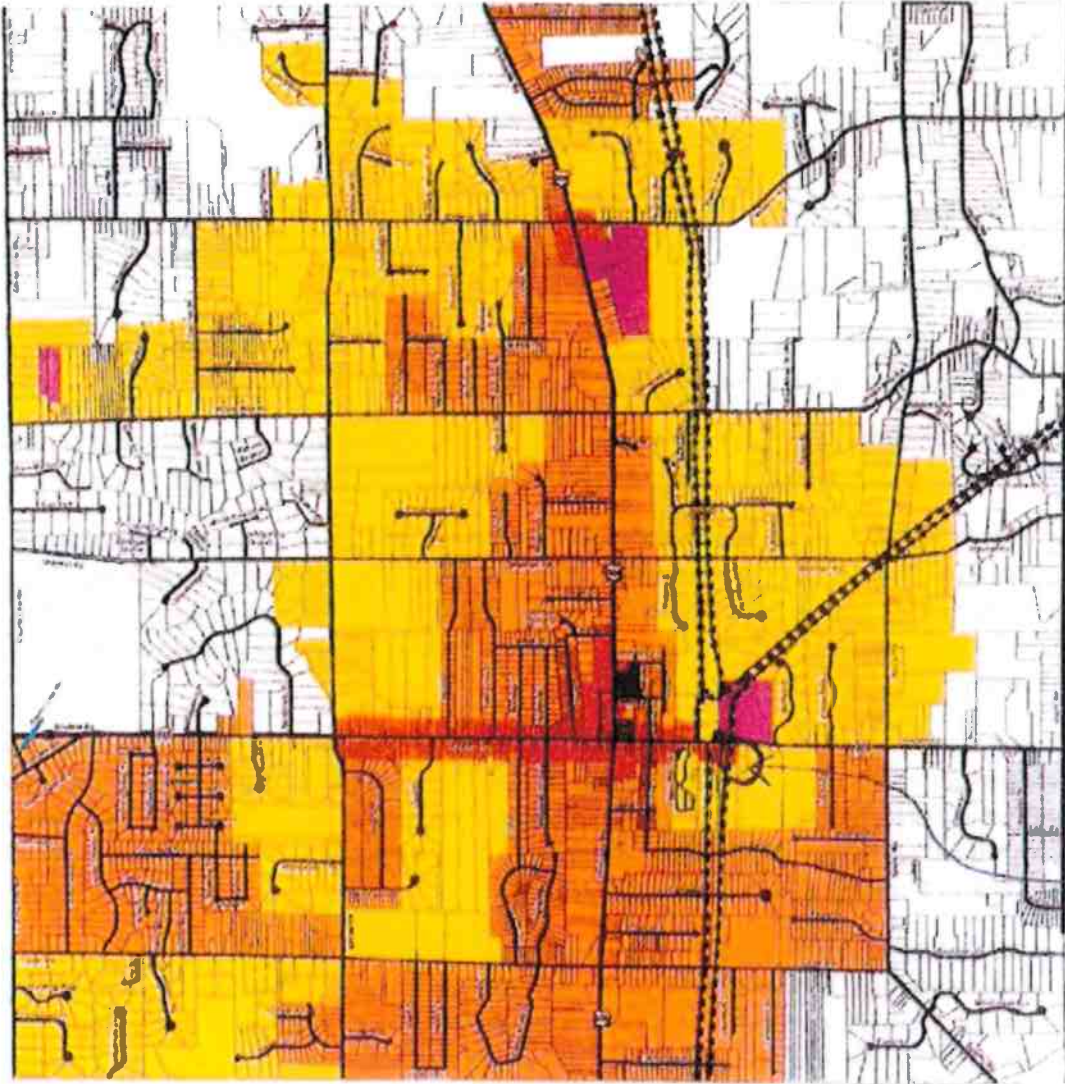
Survey Plot & Description  
Approved Per O.R.C. 315.251  
Gauga County Engineer  
Reviewed under the supervision of  
Steven N. Boecker, P.S. Ohio #7070

By: SNR Date: 01/04/2022

22-004



**EXHIBIT**  
**I**



Subject parcels

- High Tension Wires
- Zoning Districts**
- R: One Family Residential
- R3A: One Family Residential
- RSA: One Family Residential
- SC: Shopping Center
- C: General Commercial
- I: Restricted Industrial
- Rezoning PPN

## Chester Township Zoning Map



Map: Two Family Residential (R2) 2008  
 District: Amendment 2-20-2 Effective 2/1/2009

Proposed by: The Georgia County Planning Commission October 1988  
 Note: The Georgia County Planning Commission does not warrant the accuracy of this map. It is not used as a title or title map.  
 Rev. July 2007, April 2008

Revised September 1991; Revised November 2004; Revised December 2004  
 Revised July 2005 (update of lots A high tension wires)  
 Revised April 2008 (for street)  
 Revised May 2008 (for lots and roads)  
 Revised January 2010 (for street and rights)

\*For more information on Amendment No. 2-20-2 visit our web page at  
 Georgia County Board of Health

Amendment No. 2-20-2 is hereby adopted  
 by the Chester Township Board of Trustees  
 on this 2nd day of May, 2008

John Caputo, President  
 Robert W. Cannon, Mayor  
 City Clerk: Cynthia Thomas

Effective the 30th Day of August, 2008

Kevin M. McLaughlin, CPA, Fiscal Officer

City Clerk and Records Administrator  
 Cynthia Thomas  
 2nd February 2010  
 [Signatures]

11-20350 and 11-20360  
 From R3A to C

10/10

## Exhibit "J"

Joe Tranchita, Tranchita Enterprises LLC

Zoning Amendment Application

Attach a statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.

The subject real property is located at 8833 Mayfield Road (U.S. Route 322) and currently consists of two parcels PPN 11-203500 and 11-203600. It is recorded at volume 1910 page 671 of the Geauga County Deed Records (see Exhibit "G").

PPN 11-203500 has 264.00 feet of frontage on Mayfield Road, a depth of 330.15 feet, and consists of 2.002 acres (see survey by Tom O'Hara, Exhibit "H").

PPN 11-203600 is contiguous with PPN 11-203500 and has no road frontage. It has 264.43 feet in width, a depth of 330.15 feet, and consists of 2.006 acres (see survey map by Tom O'Hara, Exhibit "H").

PPN 11-203500 has a commercial garage building located on it per County Auditor's office records, two driveways that are connected to Mayfield Road, and a parking area adjacent to the building. The building contains 3,470 square feet of floor area. It is setback 153.9 feet from the centerline of Mayfield Road. The easterly side yard building setback is 142.9 feet and the westerly side yard setback is 60.1 feet (see survey map by Tom O'Hara, Exhibit "H").

The two lots of record are to be consolidated so as to eliminate the landlocked parcel and to make the site more in conformity with the C: General Commercial Zoning District standards in the Chester Township Zoning Resolution. The consolidated lot exceeds the minimum dimensional requirements in the C Zone as set forth in Section 5.02.17 of the Zoning Resolution (see survey map by Tom O'Hara, Exhibit "H" and C District Dimensional Table Section 5.02.17 Exhibit "K").

The existing building size is 3,470 square feet and the minimum is 1,000. The building is 18 feet in height and the minimum is 35 feet. Maximum lot coverage is 60%. The consolidated lot has 12.8% lot coverage. The minimum lot area is two acres and the consolidated lot has 4.008 acres. Minimum lot frontage is 200 feet and the consolidated lot has 264 feet of frontage on Mayfield Road. The minimum front setback is 135 feet from the centerline and the existing building is setback 153.9 feet. The minimum side setback is 20 feet or 40 feet from an adjoining R District. The westerly side setback is 60.1 feet and the easterly side setback (adjacent to the R3A Zone) is 142.9 feet. The minimum rear setback is 60 feet and the existing building is over 300 feet from the rear lot line. The minimum driveway setback from a side lot line is 20 feet. The driveway setback on the consolidated lot is 21.5 feet on the westerly side and 96.0 feet on the easterly side of the lot. (see survey map by Tom O'Hara, Exhibit "H").



The subject premises has been continuously used as a commercial repair garage since 1964. The purpose of the amendment is to recognize the existing commercial use of the property in order to make it conforming.

Of significant note is the opinion of the Court of Appeals, Geauga County, dated January 11, 1963 identified as Appeal of McDonald (case no. 196 N.E.2d 333) in regards to the subject premises (see Exhibit "N.") The requested variance was to allow a commercial use of the premises. The Court concluded, in part: "Under all special circumstances existing at the time of this application for variance, all the evidence tends to show that the literal enforcement of the resolution will restrict the use of the property without concomitant benefit to the public. Such restriction is undue hardship, and the refusal of the variance is an unreasonable exercise of the board's discretion. The judgment is reversed and the cause remanded to the Board of Zoning Appeals with instructions to authorize the variance."

The subject property is contiguous with the C: General Commercial Zone to the west. To the north the property directly across the road is zoned I: Restricted Industrial. The adjacent land to the east and south is zoned R3A: One Family Residential. (see zoning map Exhibit "I" and map 7).

In terms of existing land use, the property immediately to the west is in commercial use and a mobile home park, to the north is a mix of light industrial/office uses, to the east is a dwelling and place of worship, and to the south is vacant. (see map 1).

The Chester Township Land Use Plan (LUP, 2008) provides that existing commercial land use comprises 220.6 acres or 1.5% of the township's total land area (page II-30). The subject property is identified as "commercial" on the existing land use map (page II-31). Existing C: General Commercial Zoning includes 249.29 acres with 151.18 acres in commercial use. Only 1.7% of the township's land base is zoned commercial (page II-38). The subject property is not recommended for potential residential development per the LUP (page II-45).

Gauga RealLink information provides that the expected groundwater (well water) yields in the area is 25-100 gallons per minute (see map 2). The detailed soils map reflects that the subject area is classified as WbB or Wadsworth Silt Loam, a typical soil type found in the county (see Map 3). Slope ranges from 2-6% (see map 4). The site is not within a wetland (see Map 5) or a 100 year floodplain zone X (see Map 6).

Average daily traffic counts on Mayfield Road reveal that over 12,000 vehicles per day traverse Mayfield Road in the affected area. It is a heavily traveled major arterial east/west road connecting Geauga County townships to the east with municipalities in Cuyahoga County to the west. (see LUP page II-5).

County Auditor's information reveals that the annual real estate taxes on the premises are \$3,553.90 annually (see Exhibit "M".)

The reason for the amendment is to bring the affected land into zoning compliance. The lots of record will be consolidated. Frontage, area, coverage, and setbacks for the C: General Commercial Zone are met. The use of the premises is commercial and it is in harmony with the Chester Township Land Use Plan. There are no environmental constraints on the site and it fronts along a major arterial state highway. It

is contiguous with existing commercial and light industrial/office uses. The property is also adjacent to the existing C: General Commercial Zone and the I: Restricted Industrial Zone, which is directly across the road. It is buffered to the east from the R3A District in accord with existing zoning regulations. The property is classified as a commercial garage per the County Auditor's office and taxes are determined accordingly.

Lastly, and most importantly, rezoning the affected property to commercial is in harmony with the McDonald decision by the Court of Appeals noted hereinabove.





**Section 5.02.17 Dimensional Requirements in a C District (Table)**  
 (Read Columns Down)

C District Uses	Minimum Floor Area	Maximum Height	Coverage	Minimum Lot Area	Location	Minimum Lot Frontage and Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Space Between Buildings
All Uses Permitted In a C District	1,000 square feet	35 feet	Minimum Green Space: 40%	With On-site Sewage Treatment: 2 acres (87,120 square feet)	Lots on U.S. 322, S.R. 306, Mulberry Road	200 feet	135 feet from centerline or 105 feet from Right-of-way, whichever is greater	20 feet	60 feet	40 feet
See Section 5.02.01		Accessory Buildings: 15 feet	Maximum Lot Coverage: 60%	With Sanitary Sewers Installed: ¾ acres (32,670 square feet)		100 feet	Same as R District requirements for said road	20 feet	60 feet	40 feet
					Lots on All Other Roads			40 feet, if adjoining "R" District		

*Seems Chester Township Zoning Resolution Effective 1/14/2021*

**Exhibit "L"**

**Application for zoning amendment.**

**Joe Tranchita, Tranchita Enterprises LLC.**

**List of addresses and permanent parcel numbers for all owners of property within and contiguous and directly across the road from the area to be rezoned.**

**Joe Tranchita, Tranchita Enterprises LLC  
8833 Mayfield Road  
Chesterland, Ohio 44026  
PPN: 11-203500 and 11-203600**

**Timothy Covert  
8829 Mayfield Road  
Chesterland, Ohio 44026  
PPN: 11-205700**

**Angelotta Building Holdings, LLC  
8825 Mayfield Road  
Chesterland, Ohio 44026  
PPN: 11-205800**

**Frank Miklausich and Mary C. Henderson Co-Trustees  
8881 Mayfield Road  
Chesterland, Ohio 44026  
PPN: 11-224500**

**GBC Real Estate Partnership  
8844 Mayfield Road  
Chesterland, Ohio 44026  
PPN: 11-056200**





Geauga REALink

Charles E. Walder  
Geauga County Auditor

Exhibit "M"

New Search

Parcel Number: 11-203500	Location Address: 8833 MAYFIELD RD	Owner Name: TRANCHITA ENTERPRISES LLC	Area: 2.00
-----------------------------	---------------------------------------	--	---------------

Main Information   Map   Tax Details   Sales   Improvements   Permits   Sketch   Cards   Special Assessments   Special Assessment Payoff   Value History

10-11-2011	455	No Credit
\$225,000	191/671	No Credit

\*\* The following amounts do not reflect the current taxes due. Please visit [GeaugaTax.com](http://GeaugaTax.com) for an updated balance.

2020 (Payable 2021) ▼

	Water Debt	Adj Debt	December	Adj Dec	June	Surplus
Cert Delq Year = 0						
ReCharge	0.00	0.00	2486.56	0.00	2486.56	0.00
HB 920 Credit			709.61	0.00	709.61	0.00
Subtotal	0.00		1776.95		1776.95	
Homestead			0.00	0.00	0.00	0.00
Non Business Credit			0.00	0.00	0.00	0.00
Owner Occupied Credit			0.00	0.00	0.00	0.00
Subtotal	0.00		1776.95		1776.95	
Interest/Penalty	0.00	0.00	0.00	0.00	0.00	0.00
Real Estate Taxes Owed	0.00		0.00		0.00	
Real Estate Taxes Paid	0.00		1776.95		1776.95	
Special Assessment Owed	0.00		0.00		0.00	
Special Assessment Paid	0.00		0.00		0.00	
Total Owed	0.00		0.00		0.00	
Total Paid	3,553.90		1776.95		1776.95	
Total Owed Delinquent:	0.00	First Half:	0.00	Full Year:	0.00	Surplus: 0.00

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Chardon, OH 44024

Phone: 440-279-1600  
440-285-7222 Ext. 1600  
Newbury & Burton Residents:  
1-888-714-0006 Ext. 1600

Email: [Contact Us](#)  
**HERE**



1-(496) 453  
8580

faith and were a necessary adjunct to the preparation of defendant's case. See Farmers Union Fidelity Ins. Co. v. Farmers Union Co-operative Ins. Co., 147 Neb. 1093, 26 N.W.2d 122.

The order is, therefore, reversed as contrary to law, and the cause remanded to the Municipal Court of Cleveland with instructions to grant defendant's motion to tax costs of depositions as costs in the case.

SKEEL, C. J., and SILBERT and ARTL, JJ., concur.

2. Zoning ⇨541

When landowner requests relief as to his parcel, after submitting evidence that special conditions are present making intended use not inimical to public interest, township board of zoning appeals, acting in a judicial rather than a legislative capacity, must review situation, re-examine connection between zoning restriction and public welfare and decide whether variance will be permitted. R.C. §§ 2506.01, 2506.04.

3. Zoning ⇨493

Where all of evidence tended to show that literal enforcement of zoning resolution would restrict use of property without concomitant benefit to public and that such restriction was undue hardship, refusal of variance was unreasonable exercise of board's discretion. R.C. §§ 2506.01, 2506.04.

Thrasher, Dinsmore & Dolan, Chardon, for appellant Louis G. McDonald.

Henry & Hofstetter, Chardon, for appellee Chester Township Trustees.

BROWN, Presiding Judge.

Appellant purchased four acres of ground in Chester Township, Geauga County, Ohio, in 1959. Subsequently, appellant applied for authorization of a variance from the terms of the zoning resolution, which variance was refused by the Board of Zoning Appeals. Upon appeal, the Court of Common Pleas hearing the matter *de novo* concluded that the action of the Board of Zoning Appeals in refusing the variance was not arbitrary or erroneous, and constituted a reasonable exercise of the board's discretion.

[1] The subject property lay in a residence zone. The variance sought was for a commercial use. It has been clearly held in Mentor Lagoons, Inc. v. Zoning Board of Appeals of Mentor Township, 168 Ohio



~~CONFIDENTIAL~~

119 Ohio App. 15

Appeal of McDONALD.\*

Court of Appeals of Ohio,

Geauga County.

Jan. 11, 1963.

Zoning variance case. The Court of Common Pleas upheld Board's refusal of variance, and an appeal was taken. The Court of Appeals, Brown, P. J., held that where all of evidence tended to show that literal enforcement of zoning resolution would restrict use of property without concomitant benefit to public and that such restriction was undue hardship, refusal of variance was unreasonable exercise of board's discretion.

Reversed.

1. Zoning ⇨810

Refusal of township board of zoning appeals to grant zoning variance is reviewable on question of reasonableness of such decision. R.C. § 519.14(B).

\* Motion to certify the record overruled (18134), June 19, 1962.



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St. 113, 151 N.E.2d 533, that the refusal of the Board of Zoning Appeals to grant a variance is reviewable on the question of the reasonableness of the decision. This review is of vast importance in the general scheme of zoning, since without it a property owner is without remedy in instances involving changing conditions which result in a continuation of a zoning restriction which is no longer in the public interest as to the proposed use of the specific property. This review for this purpose is specifically authorized by Section 519.14(B), Revised Code.

Zoning from its inception was recognized as a deprivation of individual property rights, valid only if such impairment of the full use of the property by the owner was justified by a law enacted pursuant to the police power and reasonably necessary for the preservation of the public health, safety and morals. *Pritz v. Messer*, 112 Ohio St., 628, 149 N.E. 30.

Thereafter, a comprehensive plan of zoning was held to validate a restrictive zoning law, and a long line of cases, cited and followed by the trial court in its opinion, held that this aspect of zoning was a legislative function and not subject to judicial review, if debatable. *Shopping Centers of Greater Cincinnati, Inc., v. City of Cincinnati*, 109 Ohio App. 189, 164 N.E.2d 593. It has been repeatedly held that there is a presumption that such legislation bears a direct relationship to the public welfare so as to require the property owner to show by a preponderance of the evidence that the classification causes serious damage and is not a necessary or reasonable exercise of the police power.

Recognizing that the original plan is valid as an exercise of legislative discretion unless arbitrary, and applying the original presumption that this discretion when exercised was in the public interest, we must observe that the public's interest in the use of various parcels or lots of property will change from time to time so that a compre-

hensive plan originally well designed on occasion becomes archaic and obsolete.

[2] When this is so, the continuance of an obsolete plan is not in the public interest and the restrictions upon the individual's use of his property, originally valid, become an invalid and unconstitutional taking. Comprehensive rezoning is as difficult to enact as is comprehensive zoning. There is a lethargy connected with rezoning that has an additional political significance. If an individual property owner is aggrieved by this lethargy in the presence of change, he can not demand a renovation of the zoning law by proving its rapid obsolescence. He can, however, request relief as to his parcel under Section 519.14, Revised Code, after submitting evidence that special conditions are present at the time of the application so that the intended use is not contrary to the public interest. When he does so, the township Board of Zoning Appeals acting in a judicial, rather than a legislative, capacity must review the situation, re-examine the connection between the zoning restriction and the public welfare and decide whether the variance will be permitted. This decision is then reviewable by the appeal under Sections 2506.01 and 2506.04, Revised Code, on the ground of reasonableness alone.

The appellant, throughout the trial in the Common Pleas Court, carefully introduced evidence showing the special circumstances which existed in the area where the variance was requested. Among these special circumstances were the following:

1. It was shown that an area immediately adjacent to the subject property had been rezoned for commercial use.
2. It was shown that the state highway number 122 upon which the subject property was located had become an increasingly heavily travelled state thoroughfare so that it was at the time of the application one of the most heavily travelled highways in the township.



3. It was shown that there existed a large installation immediately across the state highway from the subject property, which was known as the Cleveland Illuminating Company's switching plant, and high wire lines; and this installation was so described in the record that it becomes apparent that the presence of this installation is a special circumstance reflecting adversely upon the usefulness of the subject property for the residential purpose for which it is presently zoned.

4. The evidence clearly demonstrated that at a point 300 feet west of the subject property there existed at the time of the application certain installations of the gas company which were in process of being connected with a permanent gas reducing station by that company.

After this evidence, expert testimony was introduced to show that the foregoing special circumstance created a hardship in that the subject property had substantially less value for a residence use than it would have had in the absence of these special circumstances.

It is at this point that a reviewing court in deciding whether the refusal of the variance is a reasonable exercise of the board's discretion must note that some evidence of a substantial nature directed to showing that the restriction on the property continues to be a necessary restriction still in the public interest should be found in the record. We have examined the record and found no such evidence.

It appears from the record that the refusal of the variance was sustained on the ground that the original imposition of the restriction was a legislative act presumptively valid as an exercise of the police power.

[3] Under all the special circumstances existing at the time of this application for variance, all the evidence tends to show that the literal enforcement of the resolution will restrict the use of the property without a concomitant benefit to the public. Such

(Phi Cas. 195-197 N.E.2d-29)

restriction is an undue hardship, and the refusal of the variance is an unreasonable exercise of the board's discretion.

The judgment is reversed and the cause remanded to the Board of Zoning Appeals with instructions to authorize the variance.

Judgment reversed.

DONAHUE and WILLIAM BROWN, Jr., concur.

WILLIAM BROWN, J., of the Fourth Appellate District, sitting by designation in the Seventh Appellate District.



FORD MOTOR COMPANY,  
Plaintiff Appellee.

v.

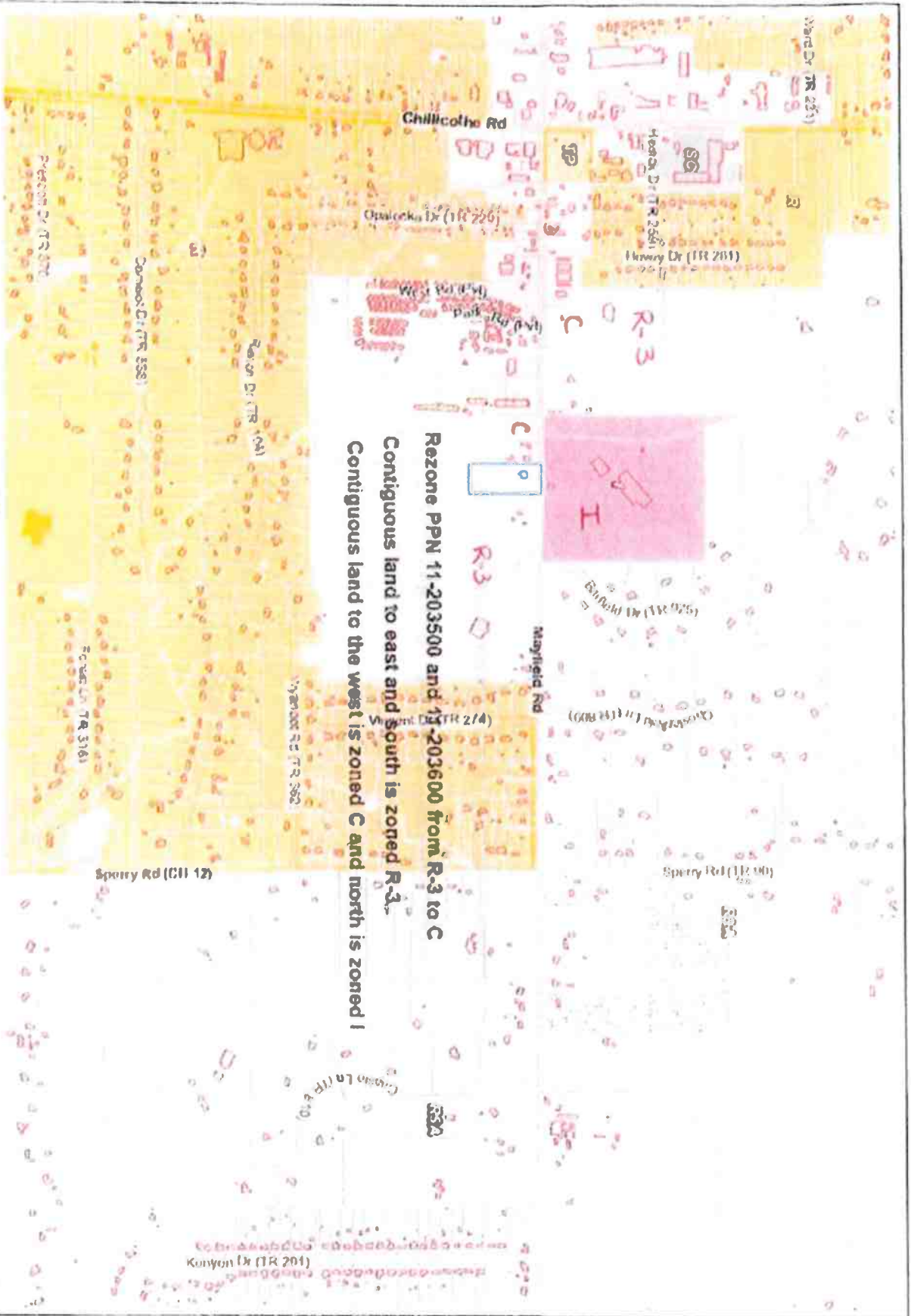
JOHN L. FRAZIER & SONS COMPANY,  
Defendant Appellant.

Court of Appeals of Ohio,  
Cuyahoga County.

Feb. 20, 1964.

Suit on indemnity contract. The Court of Common Pleas, Cuyahoga County, entered judgment for the plaintiff, and the defendant appealed on questions of law. The Court of Appeals held that under indemnity contract providing the contractor should be responsible for claims against contractor or plant owner arising in connection with contractor's work, including work assigned to contractor, based on negligence of contractor, any subcontractor, or owner or its employees, contractor was liable for personal injuries sustained by subcontractor's employee as result of negligence of owner's employee, even though wholly unrelated to job undertaken by contractor.

Judgment affirmed.



Rezone PPN 11-203500 and 11-203600 from R-3 to C  
 Contiguous land to east and south is zoned R-3.  
 Contiguous land to the west is zoned C and north is zoned I



Geauga REALink



Charles E. Walder, Geauga County Auditor  
 Joe Carrell, Geauga County Engineer, PE, PS



1 inch = 1,132.25 Feet | Scale: 13,587  
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Existing Zoning Map 1



Geauga REALink



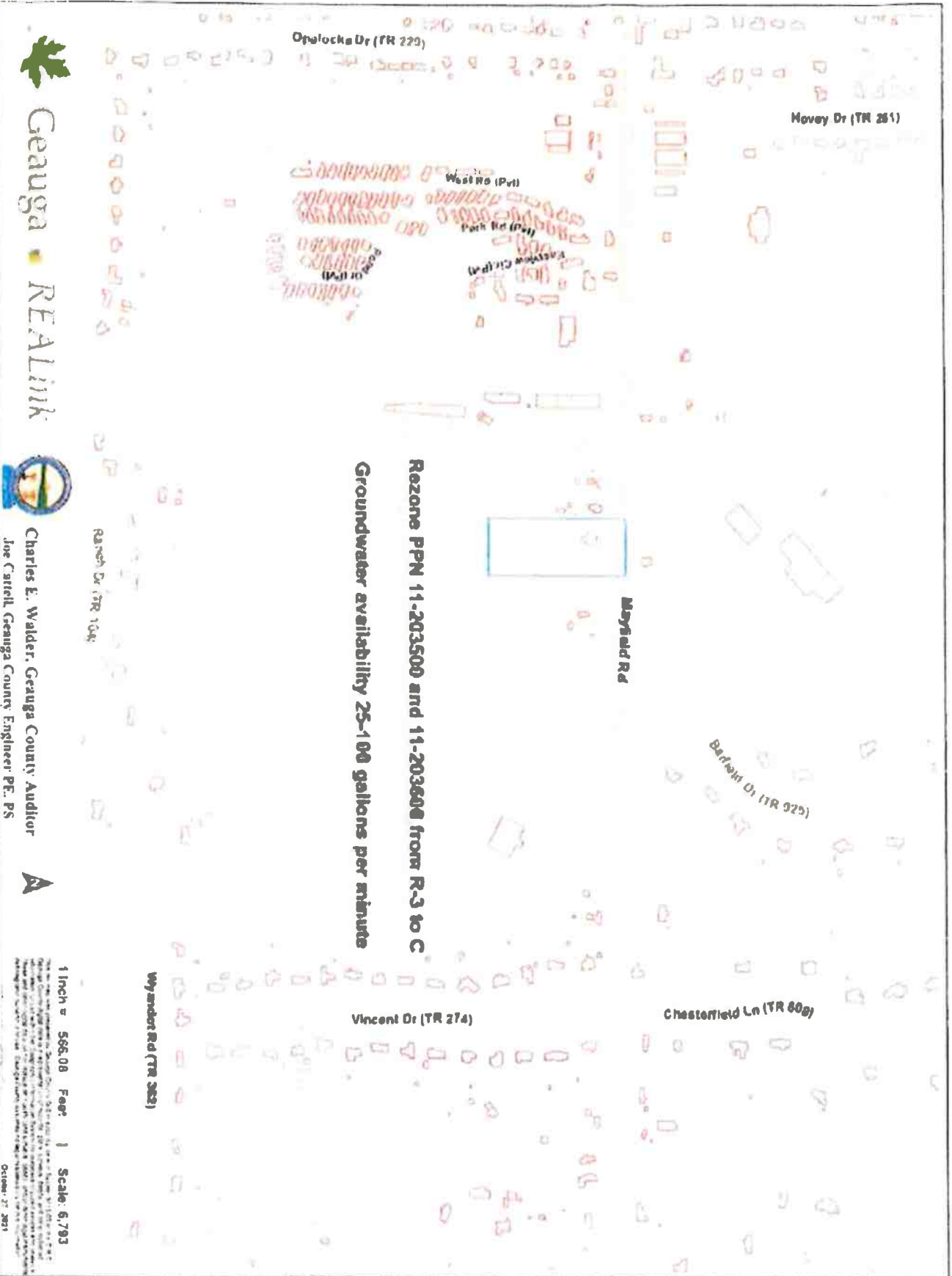
Charles E. Walder, Geauga County Auditor  
Joe Carrell, Geauga County Engineer P.E. P.S.



1 inch = 566.08 Feet 1 Scale: 6,793

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10000 State Route 163, P.O. Box 10000  
Canton, Ohio 44705-1000  
Phone: 330.952.3300 Fax: 330.952.3301  
www.geauga.com  
October 27, 2011

Groundwater Yields Map 2







Geauga REALink



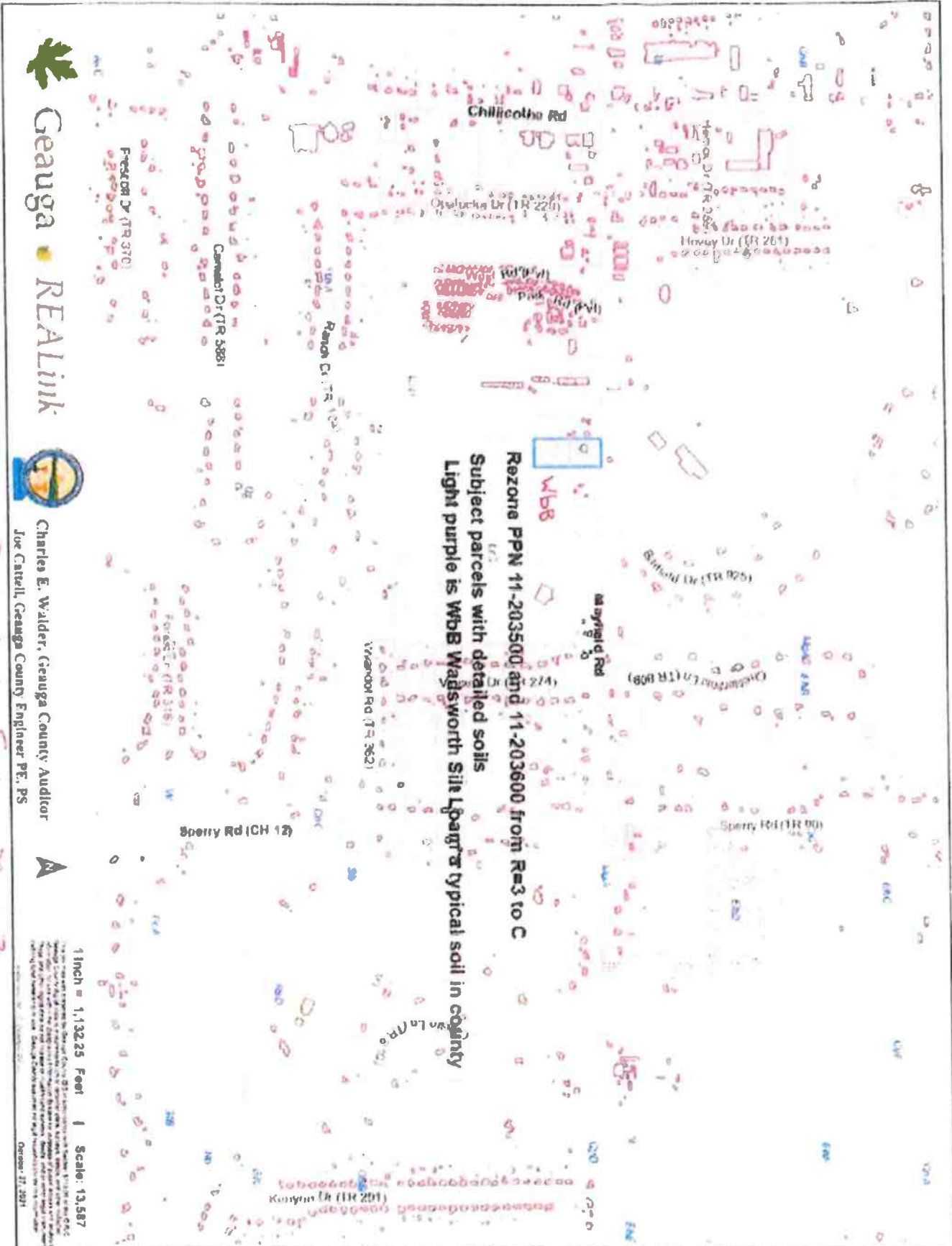
Charles E. Walder, Geauga County Auditor  
Joe Cartell, Geauga County Engineer PE, PS



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Detailed Soils Map 3











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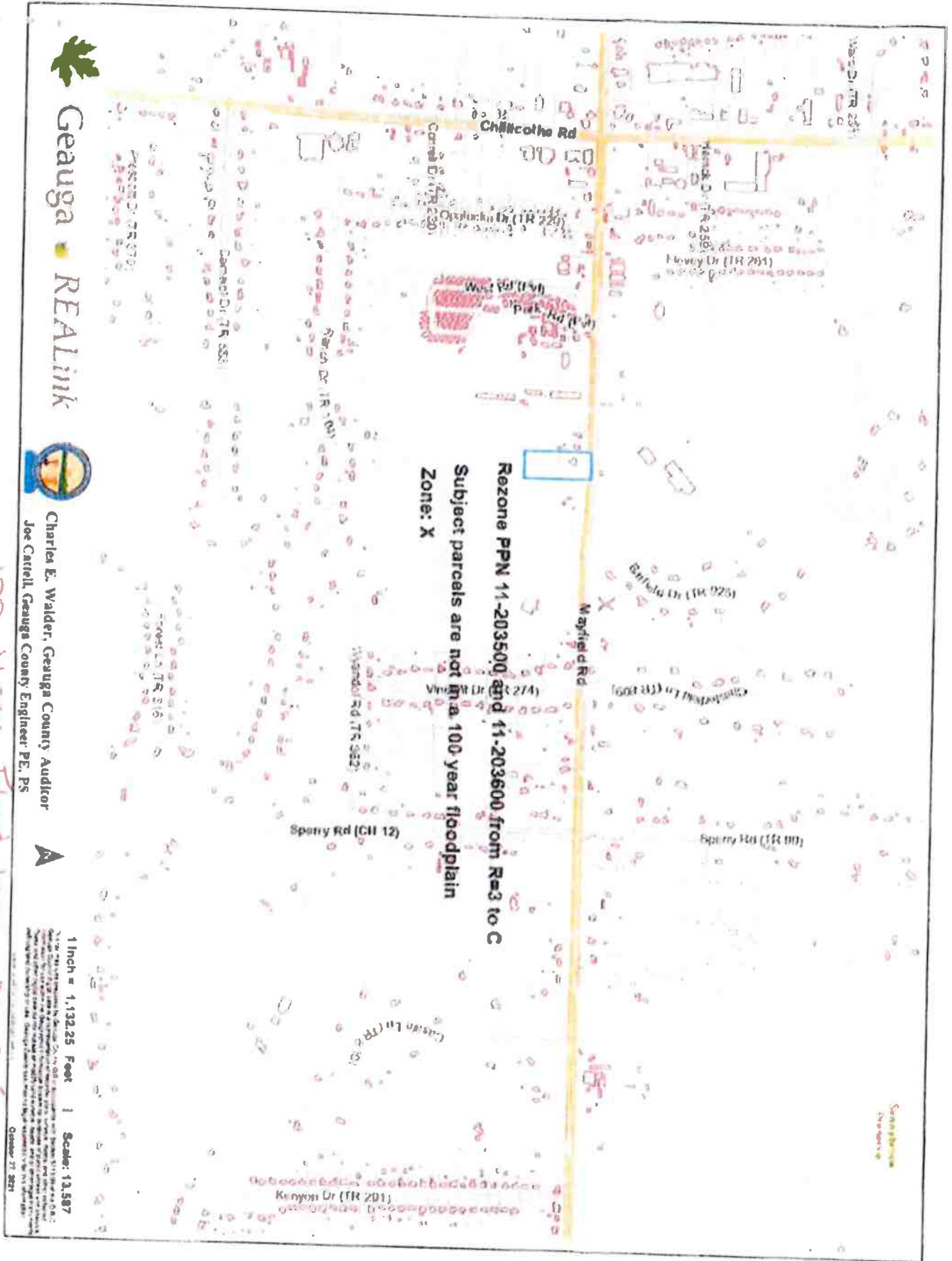


1 inch = 1,132.25 Feet | Scale: 13,587

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October 27, 2024

100 Year Floodplain RPP C



Sanborn  
2000





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 Joe Carrell, Geauga County Engineer, PE, PS



1 inch = 370.42 Feet | Scale: 4,445

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Existing Land Use Map 7





## EXHIBIT 7B

**Geauga County Planning Commission**  
470 Center Street, Building 1C, Chardon, Ohio 44024  
Phone (440) 279-1740 Fax (440) 285-7069  
[www.co.geauga.oh.us/Departments/Planning-Commission](http://www.co.geauga.oh.us/Departments/Planning-Commission)

---

### MEMORANDUM

DATE: June 7, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Chester Township Text Amendment, ZC 2022-3, Agenda Item No 7B

---

The Chester Township Zoning Commission received a text amendment application initiated by the applicant, Caves Road, LLC by and through Biltmore Healthcare, LLC its authorized representative, to alter the text of the zoning resolution to add “Congregate Care Facility” (“CCF”) as a conditionally permitted use within the C General Commercial zoning district. These facilities, per the application materials, would include nursing homes, residential care facilities, or other similar facilities.

The amendment impacts the following three (3) articles:

1. **Article 2: Definitions**
  - a. Proposal is to add definitions of “Congregate Care Facility”, “Nursing Home”, and “Residential Care Facility”. “Or other similar facilities” is included in the definition of “Congregate Care Facility”
2. **Article 5: Section 5.02.16 Conditional Buildings, Structures and Uses**
  - a. Proposal is to add “D, Congregate Care Facility” as an additional condition use.
3. **Article 6: Section 6.07.0 Conditional Buildings, Structures and Uses in Commercial Districts**
  - a. Proposal is to add new Section 6.07.04, regulatory language regarding congregare care facilities.

This **C General Commercial district** is primarily located along **U.S. Route 322** and **S.R. 306** but a smaller area of the same district is located at the intersection of **S.R. 306** and **Mulberry Road**. Please see the areas noted in red on the Zoning Map on Page 2 for reference.

As the proposal is to add “Congregate Care Facility” as a **conditionally permitted use** within the C General Commercial district, this means the use is permitted but any such proposed use must be **reviewed and approved by the Chester Township Board of Zoning Appeals per Article 6, Conditional Uses**.





**Items to consider:**

**1. Text amendment and not a map amendment**

While the applicant included a preliminary site plan of a proposed 96-bed nursing home for parcels 11-199600, 11-389255, and 11-259900, this amendment is **not a map amendment** (re-zoning) and is not specific to any one particular property. While it may be tempting to focus on these particular properties, the discussion should rather be as to **whether adding “Congregate Care Facility” as a conditional use within the C General Commercial district is reasonable as well as the proposed regulations set forth in the proposed Section 6.07.04** submitted by the applicant.

**2. Multiple proposed definitions and regulatory language in Section 6.07.04**

“Nursing Home” and “Residential Care Facility” are defined in ORC 3721.01 but the more general term “Congregate Care Facility” is not. Please see the following:

**“Nursing Home” definition**

A nursing home is generally comprised of **two components: 1) Long-term care** for individuals who require **24-hour care**; and 2) **Skilled nursing care, which is short-term care, typically 2-4 weeks** associated with **recovery/rehabilitation after surgeries, strokes, etc.**

The applicant’s proposed definition of “Nursing Home” coincides with only part of the language found in ORC.

**Applicant’s proposed definition of “Nursing Home”**

**“NURSING HOME” means a facility licensed by the Ohio Department of Health for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care. See also “Congregate Care Facility.”**

**Ohio Revised Code definition of “Nursing Home”, 3721.01(A)(6)**

*“Nursing home” means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.”*

**“Residential Care Facility” definition**

The applicant’s definition of “Residential Care Facility” is very brief as compared to the detail found in ORC

**Applicant’s proposed definition of “Residential Care Facility”**

**“RESIDENTIAL CARE FACILITY” means a facility licensed by the Ohio Department of Health to provide accommodations, supervision and/or personal care services to individuals who are dependent on such services by reason of age or physical or mental impairment. See also “Congregate Care Facility.”**

**Ohio Revised Code definition of “Residential Care Facility”, 3721.01(A)(7)**

*“Residential care facility” means a home that provides either of the following:*

*(a) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;*

*(b) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by section 3721.011 of the Revised Code.*

Please see the attached “Exhibit A” from the Ohio Department of Health website which states “Residential Care Facilities (Assisted Living)” provide accommodation and personal care services primarily to older adults.” It is important to note that “primarily” does not mean “exclusively”. Per the above definition, a Residential Care Facility can be a home for those that are dependent on the services of others by reason of age or [emphasis added] physical or [emphasis added] mental impairment...”

**“Congregate Care Facility” definition**

“Congregate Care Facility” is not specifically defined in ORC and is an umbrella term that can include nursing homes and residential care facilities per the proposed definition below:

**Applicant’s proposed definition of “Congregate Care Facility”**

**“CONGREGATE CARE FACILITY” means a Nursing Home, Residential Care Facility or other similar facility that provides accommodations, supervision, personal care services and/or skilled nursing care for individuals who are dependent on such services by reason of age or physical or mental impairment. See also “Nursing Home” and “Residential Care Facility.”**

Allowing “Congregate Care Facility” would allow those uses to *congregate* on one property by permitting nursing/rehab and assisted living all in one setting. It is important to note that a nursing home can be the single, primary use on a property and not be associated with a Residential Care Facility or vice versa.

**Applicant’s proposed Section 6.07.04 Congregate Care Facilities**

The following language is proposed to regulate “Congregate Care Facilities”:



**6.07.04**

**CONGREGATE CARE FACILITIES.** Subject to the provisions of Article 6, Congregate Care Facilities may be permitted by the board of zoning appeals as a conditional use in the General Commercial District with the following conditions.

- A. MINIMUM LOT AREA. The minimum lot size for a Congregate Care Facility shall be ten (10) acres.
- B. SEWERS. The facility shall be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot or lots included for sewer service in accordance with the currently Northeast Ohio 208 Water Quality Management Plan and Geauga County/Chester Township Plan for Wastewater Treatment.
- C. PARKING. Notwithstanding any provision to the contrary, the minimum required parking spaces for a Congregate Care Facility shall be one (1) space per two (2) resident beds plus one (1) space per three (3) employees.
- D. DRIVES. Applicant shall install concrete or asphalt access to at least three (3) sides of the facility to provide accessibility for emergency services.
- E. LIGHTING. Applicant shall submit a proposed lighting plan that reduces, to the extent reasonably feasible, light leaving the site while still adequately illuminating the site.
- F. NUMBER OF BEDS. The number of resident beds in the facility shall not exceed one and one-half (1.5) times the number of resident rooms.
- G. LICENSURE. Proof of licensure by the Ohio Department of Health shall be submitted to the Zoning Inspector.
- H. STAFFING. Applicant shall utilize on-site medical or nursing staff to assist in emergencies at the facility in order to reduce the number of emergency responses required by the Township or private emergency medical services.
- I. LIFE SAFETY REVIEW. The plans for the facility shall be reviewed by the Township Fire Department in order to show compliance with applicable Ohio Administrative Code sections and applicable building, fire and life safety laws, rules and regulations.
- J. OTHER REQUIREMENTS. The facility shall comply with all other zoning requirements imposed by the Resolution for the (C) General Commercial District.

Overall the above language is very general and more site plan review related items could be addressed. Item “J, Other Requirements” does have a general provision that references compliance with all other zoning requirements is required (such as lighting, landscaping, etc.), which is good.

In regard to “Item A, Minimum Lot Area”, depending on the proposed scale of a proposed facility (# of beds, etc.), the ten (10) acre lot area minimum could be more land area than what is necessary, especially in terms of only a nursing home or only a residential care facility. Requiring an excessive amount of land area for a particular use can be challenged. Within the townships only, the County Auditor’s property class codes of 412 (Nursing Home/Hospital) and 413 (Nursing Home/Custodial Care) reveal the following lot acreages associated with these types of uses: 2.0, 5.0, 6.1, 11.0, 14.2, 19.3, and 66.0.

In order to provide some insight as to how many Congregate Care Facilities could, in theory, be proposed, the existing parcels that are currently zoned as C General Commercial in

Chester Township **and which meet the 10-acre minimum** were reviewed. It was determined that **two (2) locations** meet both of these requirements:

- The first being the three **(3) properties mentioned in this application** that total **11.37 acres combined**.
- The second being the **13.67-acre parcel where the West Geauga Plaza** is located near the northwest corner of Route 322 and Route 306.

Additionally, **the potential always exists for a map amendment** request to be made in the future to **rezone land from residential to the C General Commercial District, which could accommodate more such facilities**, if this amendment were to be approved.

### **3. Chester Township Zoning Resolution**

The conditional uses permitted within the C General Commercial District currently are the following: A) golf driving ranges, miniature golf courses, B) limousine and taxi services, and C) billboards.

The question of **whether a Congregate Care Facility (including Nursing Homes, Residential Care Facilities, or other similar facilities as proposed) are reasonable conditional uses** within this commercial district needs to be explored.

**Nursing homes and Residential Care Facilities are typically conditionally permitted uses within residential zoning districts but allowing them in other districts is not without possibility but is subject to the Townships' zoning resolution and land use plan.** While the applicant's proposed amendment is not exclusive to nursing homes, a nursing home is both commercial and residential in nature as those who reside there pay for services of either long-term care (both medical and personal care) or short-term care (recovery/rehab after surgery, etc.) as it is medically necessary for them to be at such a facility.

**Medical uses are permitted in this district** and include doctors, dentists, optometrists, podiatrists, etc. but do not have a residential component. **Residential uses are also not otherwise permitted within the C General Commercial District.** Assisted living and independent living, which fall under the umbrella of "congregate care", are residential in nature as compared to a nursing home.

While the C General Commercial District Section 5.02.0 does not contain a purpose statement to describe the intent and purpose of the district, in reviewing **the list of permitted uses, they are all retail and service related**, as would be expected for a commercial district. The list of permitted uses within the C General Commercial district is attached as **Exhibit B** for reference.

In terms of impact, **all uses have some level of impact on traffic, lighting, odor, noise,** ■. The property is zoned commercial so anything from a restaurant to a towing company can be built anywhere within the district (subject to compliance, of course, with all applicable regulations).

In regard to traffic, **without the aid of a traffic engineer, the amount of the traffic generated by a CCF versus other commercially permitted uses (restaurant, grocer, etc.), are speculation at best.** Lighting and landscaping requirements are part of Chester Township's resolution so those apply regardless of the proposed use.



The applicant also provided examples of what other townships have done in regard to congregate care, nursing homes, etc. and while it serves as a reference point, it is important to remember that each township is unique and each can make their own decision as to what they feel is best for the township based upon the zoning resolution, land use plan, and public input.

#### 4. Chester Township Land Use Plan

The 2008 Chester Township Land Use Plan (LUP) did not delve into the level of detail to specifically cover congregate care type facilities. Write-in resident comments focused largely on the need for a senior center or senior housing.

The 2008 LUP does, however, set land capability as an important tool in analyzing proposed land use projects/development to make informed decisions. As much of the county is not served by sanitary sewer and central water, the land itself becomes more important to successfully support development. In other words, do the physical attributes of the land lend themselves well to development? These attributes include soil type, depth to bedrock, slope, and ground water supply.

Even if land has its inherent challenges, there are mechanisms in place to overcome those challenges. For example, wetlands can be mitigated and ground water, if in short supply or of poor quality, can be trucked in and stored onsite. In Exhibit J the applicant indicated one or more water wells are planned as well as on-site water storage.

The more recent Chester Township 2020 Community Questionnaire though did ask questions related to senior skilled nursing facilities and assisted living facilities. Please see Page 8 for summary chart of the “Desirability of Commercial District Development Options”. This survey offers the following opinions:

- Twenty-three (23%) of the respondents indicated *senior skilled nursing facilities* were “strongly desirable” or “desirable”. Thirty-three (33%) were “not sure” or “neutral” and forty (40%) felt they were “not desirable” or “strongly not desirable”
- Twenty-four (24%) of the respondents indicated *assisted living facilities* were “strongly desirable” or “desirable”. Thirty-two (32%) were “not sure” or “neutral” and forty-three (43%) felt they were “not desirable” or “strongly not desirable”

#### 5. Sewer and Water

Most of the C General Commercial district is served by sanitary sewer system maintained by the County Dept. of Water Resources. Water is accessed through private wells.

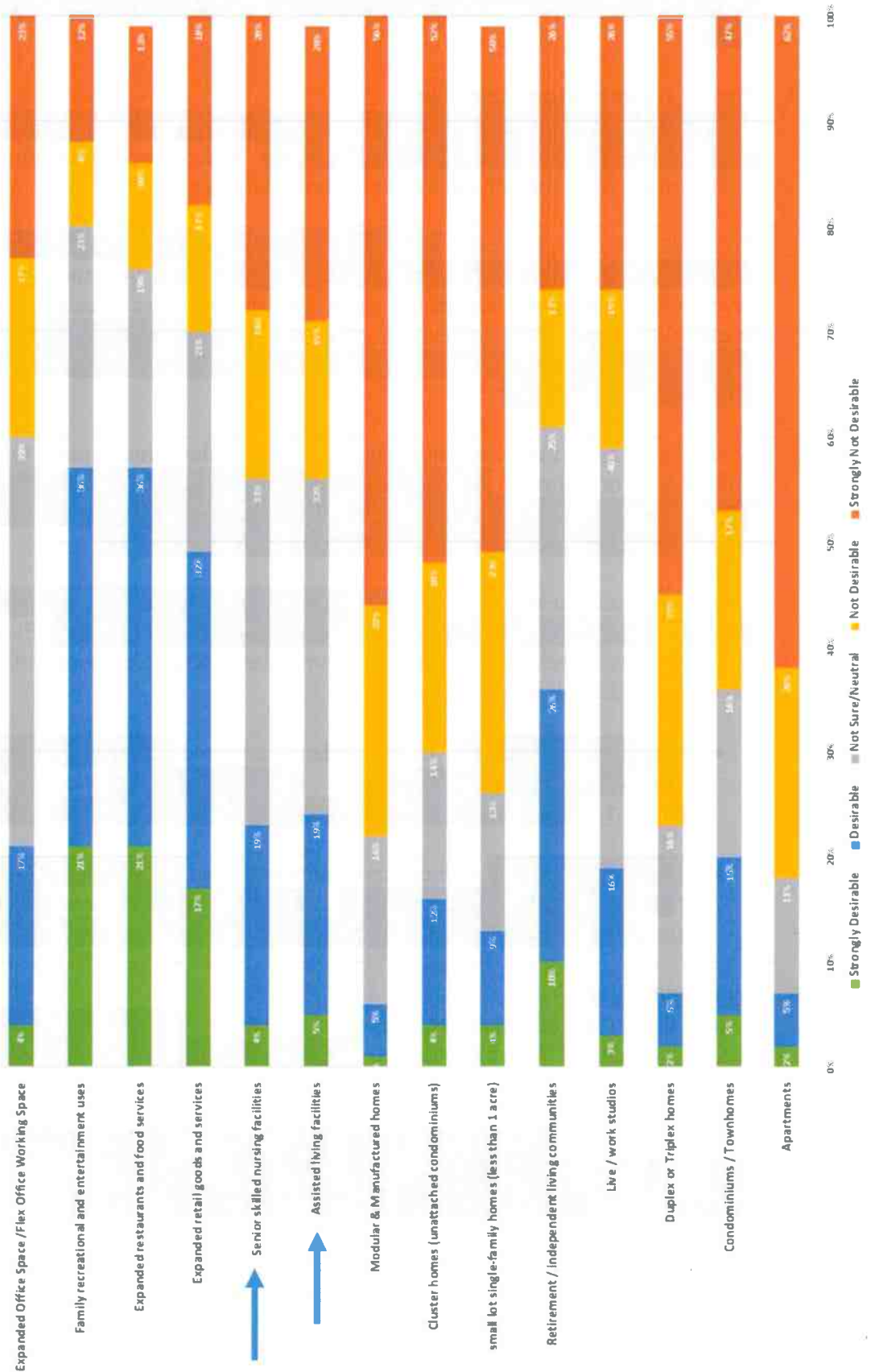
#### 6. Senior programs data

In speaking with the Geauga County Department on Aging, Chester Township is in the top 3 consumers of the Department’s programs related to frail adults. These programs include home delivered meals, adult day care, and homemaker/personal care.

Additionally, there are five (5) senior centers in the county (Chardon, Bainbridge, Burton, Middlefield, and West Geauga). To provide a correlation, the first four communities have some form of congregate care, such as a nursing homes, as well as a senior center. The County would not pursue locating a senior center in communities without a higher

percentage of seniors. Chester Twp. has a senior center but no skilled nursing. The nearest skilled nursing is located in the City of Chardon, Munson Twp., and Newbury Twp.

# Desirability of Commercial District Development Options



The skilled nursing care component of a nursing home offers short-term required medical care, which is billable to insurance through Medicare for services such as physical or speech therapy. Those who have the financial resources available are “private pay”. Medicaid, however, pays for those who cannot afford the fees and pays for the long-term care (room and board for residents who live at a nursing home, for all intents and purposes, until they pass away) but only at approximately \$100-\$150 a day per patient. This makes the presence of skilled nursing care all the more important to the operator of the facility in terms of financial success. I point this out as the applicant mentions the facility will be Medicare/Medicaid certified. Long term success of any business is important as well as the long-term occupancy of the building (i.e.: no vacant buildings).

It is suggested that the Township pursue data collection and analysis of the various congregate care facilities within the County near Chester Township to educate themselves on the vacancy rates of the existing facilities. This goes back to the point regarding business sustainability made in #6 above. If the trend is for those facilities to be a certain percentage vacant, that same trend could hold true for such a facility within Chester.

**7. American Community Survey 5-Year Estimates**

The age data for the 2020 Decennial Census has not yet been released yet but the 2020 Five-Year Estimates are available from the Census Bureau’s American Community Survey. According to these estimates, Chester Township residents 65 years and older make up approximately 27.8% of the township’s population.

Chester township, Geauga County, Ohio				
	Total		Percent	
Label	Estimate	Margin of Error	Estimate	Margin of Error
Total population	10,271	±23	(X)	(X)
<b>AGE</b>				
Under 5 years	501	±160	4.9%	±1.6
5 to 9 years	635	±179	6.2%	±1.7
10 to 14 years	462	±175	4.5%	±1.7
15 to 19 years	561	±165	5.5%	±1.6
20 to 24 years	468	±141	4.6%	±1.4
25 to 29 years	281	±123	2.7%	±1.2
30 to 34 years	359	±151	3.4%	±1.5
35 to 39 years	407	±122	4.0%	±1.2
40 to 44 years	486	±149	4.7%	±1.4
45 to 49 years	558	±177	5.4%	±1.7
50 to 54 years	916	±210	8.9%	±2.0
55 to 59 years	857	±212	8.3%	±2.1
60 to 64 years	774	±166	7.6%	±1.6
65 to 69 years	1,000	±289	9.7%	±2.8
70 to 74 years	550	±130	5.4%	±1.3
75 to 79 years	531	±201	5.2%	±2.0
80 to 84 years	238	±101	2.3%	±1.0
85 years and over	531	±336	5.2%	±3.3
<b>SELECTED AGE CATEGORIES</b>				
5 to 14 years	1,097	±189	10.7%	±1.8
15 to 17 years	322	±114	3.1%	±1.1
Under 18 years	1,920	±210	18.7%	±2.0
18 to 24 years	709	±179	6.9%	±1.7
15 to 44 years	2,764	±249	26.9%	±2.4
18 years and over	8,590	±205	83.6%	±2.0
18 years and over	8,351	±212	81.3%	±2.0
21 years and over	8,052	±231	78.4%	±2.3
50 years and over	3,578	±447	34.8%	±4.1
62 years and over	3,251	±446	31.7%	±4.3
65 years and over	2,854	±386	27.8%	±3.8
75 years and over	1,304	±174	12.7%	±1.6

Source: U.S. Census Bureau, American Community Survey 2020 Five Year Estimates



## Exhibit A



### Residential Care Facilities - Assisted Living

*Residential Care Facilities (Assisted Living) provide accommodation and personal care services primarily to older adults. These facilities are licensed and regulated by the Bureau of Regulatory Operations at the Ohio Department of Health.*

A residential care facility is licensed to provide either of the following:

- Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and provide to at least one of those individuals, any of the skilled nursing care authorized by law.

ODH is responsible for the licensing and inspection of residential care facilities (RCF) in Ohio pursuant to Chapter 3721. of the Ohio Revised Code and the rules in Chapter 3701-16 of the Ohio Administrative Code.



Each RCF in Ohio receives at least one unannounced inspection/survey during a 9 to 15 month inspection/survey cycle. During these surveys, all aspects of care and services are evaluated based on state laws and rules.

ODH licenses and certifies approximately 720 RCFs in Ohio.

Please go to our [Application and Forms](#) page to obtain more information, applications, and instructions on how to apply for licensure as a RCF.

## Skilled Nursing Care

Generally, a residential care facility may elect to provide its resident with limited skilled nursing care services, including the:

- Supervision of special diets;
- Application of dressings
- Administration of medication (if the resident's physician has determined the resident is capable of self-administration or the medication is administered by a qualified individual)
- Routine skilled nursing care (as determined by the resident's physician)

A RCF may provide other skilled nursing care on a part-time, intermittent basis for not more than a total of one hundred twenty days in a twelve-month period.

The office of Health Assurance and Licensing makes publications and information on residents' rights advocates available for the public on our RCF [Publications page](#).

## Complaints

Investigation of a complaint in a residential care facility is completed by surveyors after receiving the written documentation from the Ohio Department of Health complaint unit located in Columbus, Ohio. The toll-free number for registering complaints is 1-800-342-0553. You may obtain more information about filing a complaint from our [Complaint](#) page and obtain a [complaint form](#). The complainant may choose to be anonymous.

### Mailing Address:

<https://odh.ohio.gov/know-our-programs/residential-care-facilities-assisted-living/residentialcarefacilitiesassistedliving>

2/3

Ohio Department of Health

Bureau of Regulatory Operations, Residential Care Facilities/Assisted Living

246 N. High St.

Columbus, Ohio 43215

Telephone: (614) 466-7857

Fax: (614) 752-2450

E-mail: [LICCERT@odh.ohio.gov](mailto:LICCERT@odh.ohio.gov)

# Exhibit "B"

## 5.02.0 COMMERCIAL DISTRICT (C DISTRICT).

5.02.01 **PERMITTED PRINCIPAL BUILDINGS, STRUCTURES, AND USES.** Within any C District, no building, structure, lot or land shall be used for other than one or more of the following uses, provided such uses do not emit or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences:

- A. The following retail sales of merchandise, provided that all products for sale or rent shall be sold or rented on the premises directly to the consumer from completely enclosed buildings unless otherwise provided herein and in accordance with the regulations in this resolution:

- Antique shops
- Art and art supplies and framing shops
- Auction houses
- Automobile supply shops
- Bakeries
- Bicycle sales and service shops
- Book and newspaper shops
- Building material and supply shops
- Card and gift shops
- Clothing and apparel, sales and rental shops
- Computer sales and service shops
- Drapery, linen and fabric shops
- Drug and pharmaceutical shops
- Electric/electronic sales and service shops
- Farm Markets, *subject to regulations set forth in Article 5.00.08*
- Floor and wall covering shops
- Florist shops
- Food and beverage shops
- Furniture, household goods and appliance shops
- Furniture repair and upholstery shops
- Garage doors, sales and service shops
- Hardware and paint shops
- Heating/cooling/plumbing supply shops
- Hobby and craft shops
- Interior decorating shops
- Jewelry, silverware and watch/clock, sales and repair shops
- Lawn and garden equipment and supply shops
- Luggage and leather good shops
- Medical, surgical, dental, and optical instrument and supply shops
- Music and video sales and rental shops
- Musical instrument and supply shops
- Office supply and stationery shops
- Pet and pet supply shops
- Photographic equipment, sales, supplies, repairs and processing shops
- Power equipment sales shops
- Restaurants, lunchrooms, cafeterias, bars and taverns (exception: see Section 5.02.15 Outdoor Dining)
- Sporting goods, clothing and equipment shops
- Swimming pool and hot tub sales, supply and service shops
- Toy and playground equipment shops
- Variety home items and consumable shops

- B. The following service establishments, provided that all services shall be provided from completely enclosed buildings and in accordance with the regulations in this resolution.

Offices of an accountant, architect, artist, attorney, business consultant, engineer, insurance agent, photographer, property manager, real estate agent, real estate appraiser, surveyor, travel agent, veterinarian, or clinical laboratory which operate in accordance with all State of Ohio and United States Government regulations.

Corporate office or headquarters, banks and other financial institutions, and loan companies. Only normal office and managerial functions are permitted on site.

Business services engaged in rendering services to business establishments on a fee or contract basis including advertising agencies, computer programmer, employment agencies, management consulting, property manager, secretarial services, and manufacturer's representatives acting as sales agents and not engaged in sales of inventory.

Any medical office, including dental, general medical, or any specialized medical or dental practice, where treatment is provided by, or under direct supervision of a professional licensed by the State of Ohio; office of an optometrist, podiatrist, psychologist, or massage therapist licensed by the State of Ohio.

Barbers, cosmetologists, manicurists, day spas as defined in this resolution, tanning salons.

Alarm and security systems

Catering

Chimney cleaning

Classes of instruction involving art, cooking, dance, drama, exam preparation, exercise and fitness, gymnastics, martial arts and music

Commercial schools: business, trade or vocational licensed by the State of Ohio

Custom signs and lettering

Dry cleaning and clothes pressing

Day-care, pre-school, and private schools, licensed by the State of Ohio

Funeral homes

Household appliance, service and repair shops

Laundry and dry cleaning pick-up services

Locksmiths

Lodges, clubrooms, meeting halls, and party facilities

Mailing services, shipping and packaging

Pet services

Power equipment repair

Shoe and leather repair shops

Tailor, dressmaker, sewing and furrier shops

Towing service

Water delivery

- C. The following buildings and/or businesses not listed above: provided that all services shall be provided within completely enclosed buildings and in accordance with the regulations in this resolution.

Churches/piaces of worship

Libraries



**Museums**

Copying and printing service – including sale of stationery and office supplies and reproduction of written, printed and digital material.

- D. The following buildings and/or businesses not listed above and in accordance with the regulations in this resolution.

**Equipment rental centers**

Landscaping business subject to the provisions of Section 5.02.14 of this Resolution

Canopies over order boards.

Buildings, structures and uses permitted in Section 5.01.01E.

**5.02.02**

**PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES.**

Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

- A. Loading/unloading spaces as regulated by the provisions of this resolution.
- B. Parking spaces as regulated by the provisions of this resolution.
- C. Signs as regulated by the provisions of this resolution

**5.02.03**

**AREA, YARD, AND HEIGHT REGULATIONS.** The regulations set forth in the table in Section 5.02.16 shall apply as indicated for each use permitted in a C District unless otherwise specifically provided. Buildings shall be designed and constructed, and lots shall be used and improved for permitted uses only and in accordance with the following yard regulations:

**A. REGULATIONS FOR LOTS ON U.S. 322, S.R. 306 AND MULBERRY RD.**

1. **FRONT YARDS.** Lots that have property lines on U.S. 322, S.R. 306 or Mulberry Rd. shall front on those roadways. A landscaped front yard shall be provided in front of all buildings, parking areas, and permitted outdoor uses and shall extend from the street right-of-way to at least one hundred thirty-five (135) feet from the centerline or one hundred five (105) feet from the right-of-way, whichever is greater.

Such yards shall be landscaped and maintained in satisfactory condition and, except for permitted signs and entrance and exit drives, shall not be used for any other purpose.

2. **BUILDING SETBACK.** Where no parking area is to be provided in front of a structure, the minimum setback shall be not less than one hundred thirty-five (135) feet from the centerline, or one hundred five (105) feet from the right-of-way, whichever is greater.

Where parking is proposed in front of a structure, the minimum setback shall be not less than two hundred fifty-five (255) feet from the centerline, or two hundred twenty-five (225) feet from the right-of-way, whichever is greater.

December 6, 2004

**DESCRIPTION OF A PART OF  
THE PROPOSED VACATION OF CAVES ROAD  
TO BE APPENDED TO  
LANDS OF CAVES ROAD, LLC  
RECORDED IN VOLUME 1288, PAGE 373 OF  
GEAUGA COUNTY OFFICIAL RECORDS  
(ID NO. 11-199600)**

**-PARCEL C-**

Situated in the Township of Chester, County of Geauga, and State of Ohio and known as being a part of Original Lot No. 24 in Tract No. 3 of the Eighth Township in the Ninth Range of the Connecticut Western Reserve and further known as being a part of vacated Caves Road as shown on the Alteration Plat for the Dedication and Vacation of Portions of Caves Road as recorded in Volume 37, Page 110 of the Geauga County Plat Records and is bounded and described as follows:

Beginning in the easterly line of said vacated Caves Road at the southwesterly corner of land conveyed to Michael H. Marino by instrument dated January 29, 1999 and recorded in Volume 1214, Page 465 of the Geauga County Official Records;

**COURSE I** Thence South 0°00'51" East along said easterly line of vacated Caves Road 312.97 feet to the northwesterly corner of Sublot No. 1 in Chester Estates Subdivision No. 1 as shown by plat recorded in Volume 7, Page 32 of the Geauga County Plat Records;

**COURSE II** Thence North 89°56'29" West along the westerly prolongation of the northerly line of said Sublot No. 1 a distance of 30.00 feet to a point on the centerline of vacated Caves Road as shown on said plat;



**COURSE III** Thence North 0°00'51" West along said centerline of vacated Caves Road a distance of 313.00 feet to a point on the westerly prolongation of the northerly line of said land of Marino;

Thence South 89°53'29" East along said westerly prolongation of the northerly line of land of said Marino a distance of 30.00 feet to the point of beginning and containing 0.216 of an acre of land as calculated and described in July, 2004 by Clyde C. Hadden, Ohio Professional Surveyor No. 7791 of CT Consultants, Inc.

Bearings contained herein are based upon those shown on said Alteration Plat for the Dedication and Vacation of Portions of Caves Road.

H:\2004\0422\9SURVEY\DESC\PARCEL C.doc

35000 Kaiser Court | Willoughby | Ohio | 44094 | phone: 440.951.9000 | fax: 440.951.7497 | www.ctconsultants.com

A-2

STATE OF OHIO )  
 ) SS:  
COUNTY OF GEAUGA )

200500711976  
Filed for Record in  
GEAUGA COUNTY, OHIO  
MARY MARGARET MCERIDE  
02-08-2005 At 03:18 pm.  
COUNTY AFDT .00  
OR Book 1754 Page 1038 - 1045

**AFFIDAVIT OF ROBERT L. PHILLIPS, P.E., P.S.  
GEAUGA COUNTY ENGINEER  
VACATION OF ROAD RIGHT OF WAY**

Now comes, Robert L. Phillips, P.E., P.S., the duly elected County Engineer for Geauga County being first duly sworn according to law, deposes, and states as follows:

1. I have knowledge of the happening of an event or condition that resulted in the termination of an estate or interest.

TO WIT: The Geauga County Board of Commissioners, during session on December 14, 2004, altered, dedicated and vacated a portion of Section D & E of Caves TR-157 in Chester Township, Geauga County, Ohio, and hereby files this affidavit pursuant to Ohio Revised Code Section 5301.252(B)(3).

2. That the vacated portion of the right-of-way abutting permanent parcel no. 11-218000, Volume 960, Page 756, the legal description for which is attached hereto for record as Exhibit "A", parcel no. 11-389253, passed to Thomas M. & Tina M. Sapanaro.

3. That the vacated portion of the right-of-way abutting permanent parcel no. 11-147000, Volume 1754, Page 871, the legal description for which is attached hereto for record as Exhibit "B", parcel no. 11-38924, passed to Robert A. & Lillian M. Horton.

4. That the vacated portion of the highway easement abutting permanent parcel no. 389254, Volume 1754, Page 871, the legal description for which is attached hereto for record as Exhibit "F" passed to Robert A. & Lillian M. Horton.

5. That the vacated portion of the right of way abutting permanent parcel no. 11-199600, Volume 1288, Page 373, the legal description for which is attached hereto for record as Exhibit "C", parcel no. 11-389255 passed to Caves Road L.L.C.

6. That the vacated portion of the right of way abutting permanent parcel no. 11-349300, Volume 1214, Page 465, the legal description for which is attached hereto for record as Exhibit "E", parcel no. 11-389256 passed to Michael H. Marino.

7. That the vacated portion of the highway easement abutting permanent parcel no. 11-211500, Volume 1508, Page 673, the legal description for which is attached hereto for record as Exhibit "D" passed to Mayfield United Methodist Church.

8. That the legal descriptions, attached hereto for record, were prepared for the vacation of a portion of Section D & E of Caves Road, TR-157, pursuant to Chapter 5553 of the Ohio Revised Code.

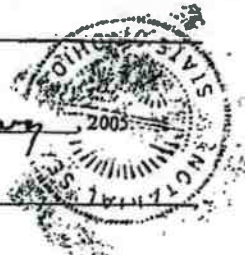
FURTHER, AFFIANT SAYETH NAUGHT.

Reviewed by  
Date 2-8-05  
GEAUGA COUNTY AUDITOR

*Robert L. Phillips*  
Robert L. Phillips, P.E., P.S.  
Gauga County Engineer

Sworn to and subscribed in my presence this 8th day of February, 2005

*[Signature]*  
NOTARY PUBLIC



This instrument was prepared by:  
The Geauga County Engineer's Office  
470 Center Street, Bldg. 5  
Chardon, Ohio 44024  
(440) 286-3936

PETER T. SELISKAR, Notary Public  
STATE OF OHIO  
My Comm. Exp. March 26, 2007  
Recorded in Geauga County

Title Deed Parcel 13

STATE OF OHIO )  
 ) ss:  
COUNTY OF Cuyahoga )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of March, 2000, by BRIAN W. FIALKO, TRUSTEE UNDER THE R. EDWARD BASISTA, REVOCABLE TRUST AGREEMENT DATED 9/11/88.

  
Notary Public

[NOTARIAL SEAL]

My Commission Expires:

KENNETH J. GULLINO, Notary Public  
State of Ohio  
Expires Nov. 8, 2000

NO. 1288 PAGE 0376

This instrument was prepared by  
and should be returned to:  
Jones, Day, Reavis & Pogue  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
Attn: Debra A. Janko  
(216) 586-3939



Pomeroy, Registered Surveyors, from map showing survey made October 1930, by Crabbs and Fullerton, Surveyors, be the same more or less, but subject to all legal highways.

Permanent Parcel Numbers: 11-199600 and 11-259900

Reviewed by JKS  
Date 3-31-00  
GEAUGA COUNTY AUDITOR

VOL 1288 PAGE 0375

**BAINBRIDGE TOWNSHIP  
ZONING RESOLUTION**

**(Allows “Nursing Homes” as a conditional use in the R-5A Rural Open Residential District and R-3A Rural Residential District, subject to special conditions.)**



**“NONCONFORMING USE”** means a use of land or use of a building or structure lawfully existing at the time this zoning resolution or any subsequent amendment thereto became effective which does not fully comply with the use requirements of the district in which it is located.

**“NONCONFORMITY”** means upon the effective date of this resolution, or any subsequent amendment thereto, a lawfully existing lot of record, building, structure, landscape area, parking lot, sign, or use which does not fully comply with the requirements currently applicable to the district in which the lot, building, structure, landscape area, parking lot, sign, or use is located.

**“NURSING HOME”**; as defined in O.R.C 3721.01(A)(6) means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing services and of individuals who require personal care services but not skilled nursing services.

**“O.A.C.”** means the Ohio Administrative Code.

**“OCCUPANCY”** means the purpose for which a building, land or premises is used or intended to be used.

**“OFF-STREET PARKING SPACE”** means an area for parking one (1) motor vehicle, whether in a building or in the open and which space has access to a public street. All off-street parking spaces shall be located entirely outside the right of way of any public street or private access or circulation drive, and shall not be used or included in computing required off-street loading/unloading spaces.

**“OFFICIAL ZONING MAP”** means the map showing the location and boundaries of the zoning districts established by this resolution as adopted by the Board of Township Trustees and currently in effect. The map is entitled, the “Bainbridge Township Zoning Map.”

**“OHIO ENVIRONMENTAL PROTECTION AGENCY”** means the organization referred throughout this resolution as the “Ohio EPA.”

**“OHIO EPA CLASS I, II, III, and IV SOLID WASTE COMPOSTING FACILITIES”** shall be as defined in O.A.C. Section 3745-560-02.

**“OHIO REVISED CODE”** means the duly enacted laws of the state of Ohio and may also be referred to as O.R.C. or R.C.





**"SKILLED NURSING CARE"** as defined in O.R.C. 3721.01(A)(4) means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

1. Irrigations, catheterizations, application of dressings, and supervision of special diets;
2. Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
3. Special procedures contributing to rehabilitation;
4. Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication; or
5. Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

**"SLAUGHTERHOUSE"** means a place where animals are slaughtered for food.

**"SMALL WIND FARM"** means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts as defined in O.R.C. 519.213.

**"STANDARD NEIGHBORHOOD"** means a residential development that consists of single-family detached housing that could include a variety of lot sizes including single-family cluster development configurations.

**"STEALTH ATTACHED WIRELESS TELECOMMUNICATIONS FACILITY ("WTF")"** means a wireless telecommunications facility that is:

1. Attached to or incorporated into a building or structure (including light poles and electric power poles, but not including other guyed towers, lattice towers, or monopoles, except as provided in this definition, below); and
2. Designed so that it is either not visible (e.g., it is located within a tower, cupola, steeple, silo, etc.) or it appears to be part of the building or structure (e.g., integrated into the facade of a building as an architectural feature).



## CHAPTER 135

### R-5A RURAL OPEN RESIDENTIAL DISTRICT

- |        |  |        |   |
|--------|--|--------|---|
| 135.01 | Establishment.   | 135.04 | Conditions for cluster development.         |
| 135.02 | Use regulations.   | 135.05 | Conditions for residential care facilities. |
| 135.03 | Lot requirements, height, yards, lot coverage, bulk, floor area, signs, satellite dishes and antennas, and off-street parking. | 135.06 | Conditions for nursing homes.               |

#### 135.01 ESTABLISHMENT.

In accordance with Sections 101.02 and 131.04(a), and: to provide for development of lands within the Township zoned for residential use which, by reason of adverse ecological conditions, have a limited capacity to support development; to prevent pollution of such lands and neighboring lands and the destruction of the underlying water table or aquifers by excessive development, and; to protect the water table or aquifer recharge areas, the R-5A Rural Open Residential District is established along with the following regulations.

#### 135.02 USE REGULATIONS.

- (a) Permitted Principal Buildings, Structures, and Uses. Only the following principal buildings, structures, and uses shall be permitted after obtaining a zoning certificate in accordance with the provisions of Chapter 109 of this Zoning Resolution:

Offices, meeting facilities, parks, recreation facilities, playgrounds, libraries, schools, maintenance facilities, cemeteries, museums, police stations, and fire stations of a political subdivision of the state of Ohio.

Single-family detached dwellings including industrialized units affixed to a permanent foundation. [Z-2000-3 – Effective 7/26/2000]

Manufactured homes shall be permanently sited on a lot and shall conform with all of the following regulations: [Z-2000-3 – Effective 7/26/2000]



- (1) Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and be manufactured after January 1, 1995; and
- (2) Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and
- (3) Exclusive of any addition, have a width of not less than twenty-two (22) feet at one point, a length of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and
- (4) Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering; and
- (5) Be permanently installed upon and properly attached to a foundation system that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to the appropriate facilities; and
- (6) Conform to all residential district regulations for the district in which it is located.
- (7) In addition to the above requirements the owner shall surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

Licensed residential facilities as defined and licensed by the State, permitted by Ohio R. C. 5123.19 (M) and 5119.341(A), but subject to single-family dwelling area, height, and yard requirements that are uniformly imposed in this Zoning Resolution.

Type B family day-care homes as defined by Ohio R. C. 5104.054.

- (b) **Conditional Uses.** Only the following conditional uses shall be allowed after obtaining a conditional zoning certificate in accordance with the provisions of Chapter 117 of this Zoning Resolution, particularly Sections 117.12 and 117.13:

Places of worship or churches provided no part of any building or land for place of worship or church use shall be used for business, commercial use or non-place of worship related activities. [Z-1998-3 – Effective 11/25/1998]

Cluster Development. See Section 135.04.

Private and parochial schools. See Section 117.13 (e).

Residential Care Facilities. [Z-2006-4 – Effective 8/23/2006] See Section 135.05.

Nursing Homes. [Z-2006-4 – Effective 8/23/2006] See Section 135.06.

Cemeteries privately owned.

- (c) Permitted Accessory Buildings, Structures, and Uses. Only the following accessory buildings, structures, and uses shall be permitted after obtaining a zoning certificate in accordance with the provisions of Chapter 109 of this Zoning Resolution:

(c-1) Private attached or detached garages and carports, barns, sheds, storage and utility buildings, and animal shelters.

(c-2) Indoor and outdoor private recreational facilities including tennis courts, basketball courts, volleyball courts, and skating rinks.

(c-3) Indoor or outdoor swimming pools for personal use provided outdoor pools are fenced or walled. The fence or wall shall be at least four (4) feet in height completely enclosing the pool or the yard containing the pool. The fence or wall must be designed to limit access to children and any gates must be self-closing, self-latching and lockable. The fence must extend to within three (3) inches of the ground and the fence or wall to within three (3) inches of any building that is part of the perimeter of the fenced or walled area. Above ground outdoor swimming pools, with a minimum perimeter height above grade of at least four (4) feet, are not required to have a fence. [Z-2004-1 – Effective 9/1/2004]

(c-4) Wind energy conversion systems including wind turbines in accordance with Chapter 161.

(c-5) Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas in accordance with Chapter 161.

(c-6) Such other buildings, structures, and uses set forth in Chapter 161.

(c-7) Signs in accordance with Chapter 173.

(c-8) Off-street parking and loading/unloading spaces in accordance with Chapter 169.



- (22) The Fire Department shall determine, prior to occupancy of any RCF, whether there is, as a result of the construction materials and density of the RCF building, an impediment to continuous and clearly audible communication signals when using communication equipment employed by emergency services in the Township. In the event there is such a communication problem, the Applicant shall, prior to occupancy, and as a condition of the conditional use permit issued for the RCF construct, install and maintain a passive repeater system, or similar system in accordance with the Fire Department's rules and codes that will enhance emergency service communications in compliance with this paragraph.

**135.06 CONDITIONS FOR NURSING HOMES. [Z-2006-4 – Effective 8/23/2006]**

**Conditions for Nursing Homes as defined in Section 105.02 as a conditional use.**

- (a) In addition to the purposes set forth in 101.02 of this Zoning Resolution nursing homes are allowed as conditional uses in R-5A and R-3A Districts when operated in conjunction with, and on the same lot of record as a residential care facility to promote compliance with the Americans With Disabilities Act (the ADA) and the Federal Fair Housing Act (FHA).
- (b) The use of a nursing home as a conditional use shall serve as a transition from a residential zone to a Professional Office District (P-O) or Convenience Business (CB) zone as shown on the official Bainbridge Township Zoning Map. As a transitional use, the nursing home shall not be expanded beyond its original lot lines of record and as shown on the site plan included with the application for a conditional zoning certificate and approved by the Board of Zoning Appeals. Nor shall any use other than residential expand off of it into a residentially zoned area. The nursing home shall not be adjacent to a light industrial restricted (LIR) zoned area because of possible industrial hazards and nuisances.
- (c) In satisfying the purposes of this section, the nursing home shall comply with Sections 117.12 and 117.13 of this Resolution, and the following conditions. In the case of any conflict, the provisions contained in this section of this Resolution shall prevail:
- (1) The nursing home shall be bordered on at least one side by a lot of record zoned Professional Office District (P-O), or Convenience Business (CB) as shown on the current official Bainbridge Township Zoning Map or be on the same site as a residential care facility previously permitted as a conditional use in accordance with Section 135.05 of this Resolution. If adjacent to a Professional Office District, the nursing home shall not violate the purpose of a Professional Office District pursuant to Chapter 141 of this Resolution. The nursing home shall be located on a lot containing frontage on State Route 306



(Chillicothe Road), or Washington Street. No driveway serving a nursing home shall intersect with any other road other than State Route 306 or Washington Street.

- (2) The minimum lot size for a nursing home shall be five (5) acres in an R-5A District; and a minimum of three (3) acres in an R-3A District.
- (3) The nursing home must be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot included for sewer service in accordance with the currently adopted Geauga County and Bainbridge Township 208 Sewer Service Plan.
- (4) The nursing home shall only be allowed in those areas of the Township with a connection to and served by a public water supply operated by a governmental agency or an entity subject to the jurisdiction of the Public Utilities Commission of Ohio.
- (5) The number of resident beds in the facility shall not exceed one and one-half (1.5) times the number of resident bedrooms.
- (6) The bedroom space provided for each resident shall meet the minimum criteria outlined in any applicable provisions of the Ohio Administrative Code, or any licensing requirements of the State of Ohio.
- (7) The minimum amount of parking spaces for any nursing home shall as set forth in Section 169.06 of this Resolution for nursing homes.
- (8) Any proposal for a nursing home shall include a site plan and floor plan drawn to scale, delineating the items necessary to prove compliance with Section 109.04 of this Resolution. The Applicant shall also submit architectural drawings showing the exterior building elevations, and exterior building materials, which shall be subject to review and approval from the Board of Zoning Appeals. The Applicant shall also submit a landscaping plan and loading and unloading plan which shall be subject to review and approval from the Board of Zoning Appeals.
- (9) The nursing home shall comply with all other zoning requirements imposed by the Resolution, for the Zoning District in which it is located including, but not limited to, the signage requirements contained in Chapter 173 of this Resolution.

- (10) The facilities shall meet all of the height, area, yard and bulk requirements set forth in Chapters 135 or 139, as applicable, with the following exception:
  - A. Maximum lot coverage shall be ten (10%), however, it may increase two (2%) per acre if the lot is over five (5) acres, to a maximum of twenty (20%).
- (11) P-O Screening Regulations set forth in Section 141.03(g) along rear and side yards next to adjacent residential areas shall be required.
- (12) The plans for the nursing home must initially be reviewed by the Bainbridge Fire Department in order to show compliance with the requirements of the applicable Ohio Administrative Code sections, all applicable Building, Fire and other Safety Codes and the Bainbridge Township Fire Department Fire Prevention Resolution or similar local Fire Department Rules and Regulations published by the Fire Department. [Z-2018-1 – Effective 12/26/2018]
- (13) Parking in front of the principal building may be allowed provided landscaped islands and buffer areas are included. There shall be no parking or loading/unloading spaces within required yards. Where practical, the loading and unloading shall be a yard adjacent to a non-residentially zoned parcel.
- (14) No outside storage or display of any materials will be allowed as required by Section 141.03(h) of this Resolution.
- (15) All trash containers shall be fully screened as required by Section 141.03(i) of this Resolution.
- (16) If an application for a conditional use certificate for a nursing home is granted, and thereafter a certificate of need that may be required from the State of Ohio cannot be obtained, after notice to Applicant, the Zoning Inspector may revoke a conditional use certificate issued for the nursing home.
- (17) The nursing home operations shall be combined with, although not necessarily attached to, the residential care facility on the same lot of record and the Applicant shall, where appropriate, combine services for the residential care facility and the nursing home in order to reduce deliveries, and permit overlap of staffing to further reduce traffic in and out of the combined facilities.
- (18) The Applicant shall utilize on site medical or nursing staff at a nursing home to assist in emergencies at residential care facilities in order to reduce the number of emergency responses required by Bainbridge Township or private emergency medical services.

- (19) The Applicant shall submit a traffic impact study with the application for a conditional use permit corroborating that the level of service, as a result of the addition of the nursing home, will not be reduced to an unacceptable level, in accordance with standards of the Ohio Department of Transportation, or as a condition of the application pay for the installation of on and off site improvements that may be required to improve the level of service to an acceptable level in accordance with Ohio Department of Transportation Standards, as verified by the Applicant's Traffic Engineer who prepares the traffic impact study.
- (20) The Applicant shall also submit a Water Management and Sediment Control plan that will be filed with the Geauga County Soil and Water Conservation District, and shall utilize bioretention as part of its storm water plan where practical and as approved by the Geauga County Soil and Water Conservation District.
- (21) The Applicant shall submit an exterior lighting plan, which shall be reviewed and subject to the approval of the Board of Zoning Appeals. The Applicant shall, as a condition of obtaining a conditional use permit, obtain a driveway access permit from the State of Ohio or Geauga County, as the case may be.
- (22) The Applicant shall present information establishing the static and residual water pressure to provide firefighting capability to the nursing home. In the event the Bainbridge Fire Department determines that either the static or residual pressure is insufficient for firefighting, the Applicant shall install booster pumps powered by either gas or diesel fuel.
- (23) Where a nursing home and residential care facility are located on the same property, there shall be one alarm system servicing all of the facilities. Where the nursing home and residential care facility are attached, there shall be one sprinkler system serving the buildings. A standpipe for firefighting purposes shall be installed in the nursing home in accordance with the Bainbridge Fire Department's rules and codes.
- (24) The Applicant shall install concrete or asphalt access to at least three (3) sides of the nursing home in order for emergency services to gain access to the nursing home. The access shall be sufficiently wide enough and connected to the main drive into the parcel for the emergency services to gain direct and immediate access to the nursing home.

- (25) The Fire Department shall determine, prior to occupancy of any nursing home, whether there is, as a result of the construction materials and density of the nursing home building, an impediment to continuous and clearly audible communication signals when using communication equipment employed by emergency services in the Township. In the event there is such a communication problem, the Applicant shall, prior to occupancy, and as a condition of the conditional use permit issued for the nursing home construct, install and maintain a passive repeater system, or similar system in accordance with the Fire Department's rules and resolutions that will enhance emergency service communications in compliance with this paragraph.



# BRIMFIELD TOWNSHIP ZONING RESOLUTION

**(Allows “Congregate Care/Assisted Living Facilities,” and “Institutions for human medical care, such as but not limited to hospitals, clinics, mental health care facilities and nursing homes” as conditional uses in the General Commercial (G-C) District, subject to special conditions.)**



**Section 309.00      General Commercial District (G-C)**

**Section 309.01      Purpose**

The purpose of the General Commercial Zoning District is to accommodate multi-purpose retail and business development with regulations designed to minimize disruption to adequate level of traffic flow along those major roads serving the permitted activities. This district is intended to create and protect business areas for the retailing of merchandise, the provision of professional and business services to serve a large trade area. Integrated groupings of stores and businesses, and/or retailing of goods and services are encouraged.

**Section 309.02      Uses**

Within the G-C Zoning District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

A. Permitted Uses:

1. Amusement and outdoor commercial recreational facilities, including but not limited to batting cages and miniature golf courses.
2. Banks and Other Financial Institutions.
3. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down and carry out), pizza shops, and ice cream parlors.
4. Personal Services Establishments<sup>2</sup> including but not limited to barber shops, beauty salons, shoe repair shops.
5. Professional and Business Offices including but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
6. Retail establishments including but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.
7. Studios such as dance, art, music, photography and interior design.
8. Theaters, auditoriums and assembly halls.
9. Mixed-use structures containing any combination of permitted uses.

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<sup>2</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

10. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the G-C Zoning District.
11. Uses not covered come before the Board of Zoning Appeals for ruling.
12. Signs as regulated by Chapter 7.

**B. Conditionally Permitted Uses:**

1. Bars, taverns and nightclubs, subject to the provisions of Chapter 4 and Section 400.10.B subsections 2, 6, 12.
2. Carpenter, cabinet, upholstery, plumbing, heating, air conditioning shops and similar establishments, subject to the provisions of Chapter 4 and Section 400.10.B subsections 9, 12, 18, 22.
3. Car washes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 7, 39.
4. Deleted. (3/14/2008) (#2008-100)
5. Churches and their related buildings and other buildings for the purpose of religious worship, subject to the provisions of Chapter 4 and Section 400.10.B subsection 41.
6. Congregate Care/Assisted Living Facilities, subject to the provisions of Chapter 4 and Section 400.10.B subsection 42.
7. Day Care Centers, to include Type A Family Day-Care Home and Children and Adult Day Care Centers subject to the provisions of Chapter 4 and Section 400.10.B subsection 44.
8. Funeral Homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 4, 7, 48.
9. Deleted. (7/31/2007) (#2007-309)
10. Institutions for human medical care, such as but not limited to hospitals, clinics, mental health care facilities and nursing homes, subject to the provisions of Chapter 4 and Section 400.10.B subsections 6, 14, 51.
11. Mixed-use facilities containing any combination of permitted and/or conditionally permitted uses, subject to the combination of applicable requirements and provisions of Chapter 4 and Section 400.10.B.
12. Mini/self storage facilities subject to the provisions of Chapter 4 and Section 400.10.B subsection 52.
13. Deleted. (3/14/2008) (#2008-100)





- area that is equivalent to one-hundred (100) percent of the gross floor area of the residential dwelling for space allocated for this use in any accessory buildings on the site.
3. Customers visits should be by an "appointment only" basis, in order to discourage large volumes of clients at the home based business and increased traffic in the neighborhood.
  4. There shall be no outdoor storage of materials of any kind connected with the Home Based Business. The storage of all materials related to the Home Based Business shall be stored in an enclosed building(s).
  5. Any number of home based businesses per dwelling unit and it's accessory buildings are permitted, provided that all of the conditions provided herein shall be complied with collectively, as if determined for a single use on the site.
  6. The total customer visits shall be limited to no more than two (2) vehicles at any one time, providing adequate parking is made available without encroaching into the yard setback areas.
  7. The home based business shall have no non-resident employees on the premise. The number of non-resident employees working at locations other than the home based business is not limited.
  8. The home based business shall be limited to the parking/storage of one commercial vehicle. The commercial vehicle shall not exceed a maximum gross vehicle weight of ten-thousand (10,000) pounds. Said vehicle shall be stored in a garage. If the commercial vehicle cannot be stored in a garage, it only may be parked in a side or rear yard if it can be screened from view from the road and neighboring properties.
  9. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) unlighted sign as regulated by Section 700.13.B.1 with no other outward evidence of such use.
  10. No home based business may manufacture, store or sell toxic and/or hazardous materials.
- 51. Institutions for Human Medical Care, such as but not limited to Hospitals, Clinics, Mental Health Care Facilities and Nursing Homes**
- A. The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
  - B. Unless a greater acreage is specified in the district requirements, the site shall be comprised of a minimum of two (2) acres, exclusive of road right-of-way.
  - C. All buildings shall not be located within one-hundred (100) feet of any property line and/or road right-of-way.

- D. Ambulance and delivery areas to be obscured from all residential property view with a solid, ornamental masonry wall at least six (6) feet in height to a maximum of eight (8) feet. N/A
- E. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed. ✓
- F. Parking for professional and outpatient buildings shall be calculated as separate uses. No more than one-half (1/2) of the total number of parking spaces within a gated or restricted physician parking lot shall be included in the parking calculation.

## 52. Mini-Storage Facilities

- A. Commercial activity shall be limited to the rental of storage units and the incidental uses related to the business, (i.e. boxes, tape) by the owners of the property or operators of the conditionally permitted business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
- B. Businesses shall be limited to "dead storage" defined as personal property left for a period of time.
- C. There shall be no storage of live animals or carcasses, explosives, radioactive or hazardous materials, or any other materials prohibited by county, state or federal statutes.
- D. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers situated on the property in compliance with Section 510.10 Storage, Utility & Trash Collection Areas.
- E. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the Office building (limited to twenty (20) square feet for the business name) and at the entrance gate (limited to nine (9) square feet).
- F. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
- G. The following conditions apply to Outdoor Storage:
  - 1. Outdoor storage is limited to operable, non-commercial vehicles and watercraft, not to exceed twelve (12) feet in height.
  - 2. Parking spaces shall be no less than twenty-five (25) feet from the rear of the rearmost building.
  - 3. No outdoor storage of personal property other than those listed in H.1.





sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Nightclub (see also Bar):

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment provided and includes the term "cabaret."

Nonconformities:

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Nudity or State of Nudity:

The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

Nuisance:

Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursery, Plant Materials:

Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening and landscaping.

Nursing Home:

1. Institutional - A state licensed home or facility for the care and treatment of people on a long term basis.
2. Non-institutional - A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Office:

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park:

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Oil:

Crude petroleum oil and all other hydrocarbons, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

LTC CONSTRUCTION MANAGEMENT,  
30050 CHAGRIN BLVD STE 100  
PEPPER PIKE OH 44124

Working Capital Management Account® 1092

87-176/843  
30

4/21/2022  
Date

Pay to the Order of Chester Township

\$ 750.00

Seven Hundred Fifty and 00/100-----Dollars

MERRILL   
A BANK OF AMERICA COMPANY

For



⑆084301767⑆ 041155399851⑆ 1092

NOTES

# RECEIPT

DATE April 26 2022 NO. **001189**

RECEIVED FROM LTC Construction Management

ADDRESS 1770 Northparke Blvd

\$ 750.00

FOR Working Capital Management Account

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	
BALANCE DUE		MONEY ORDER	

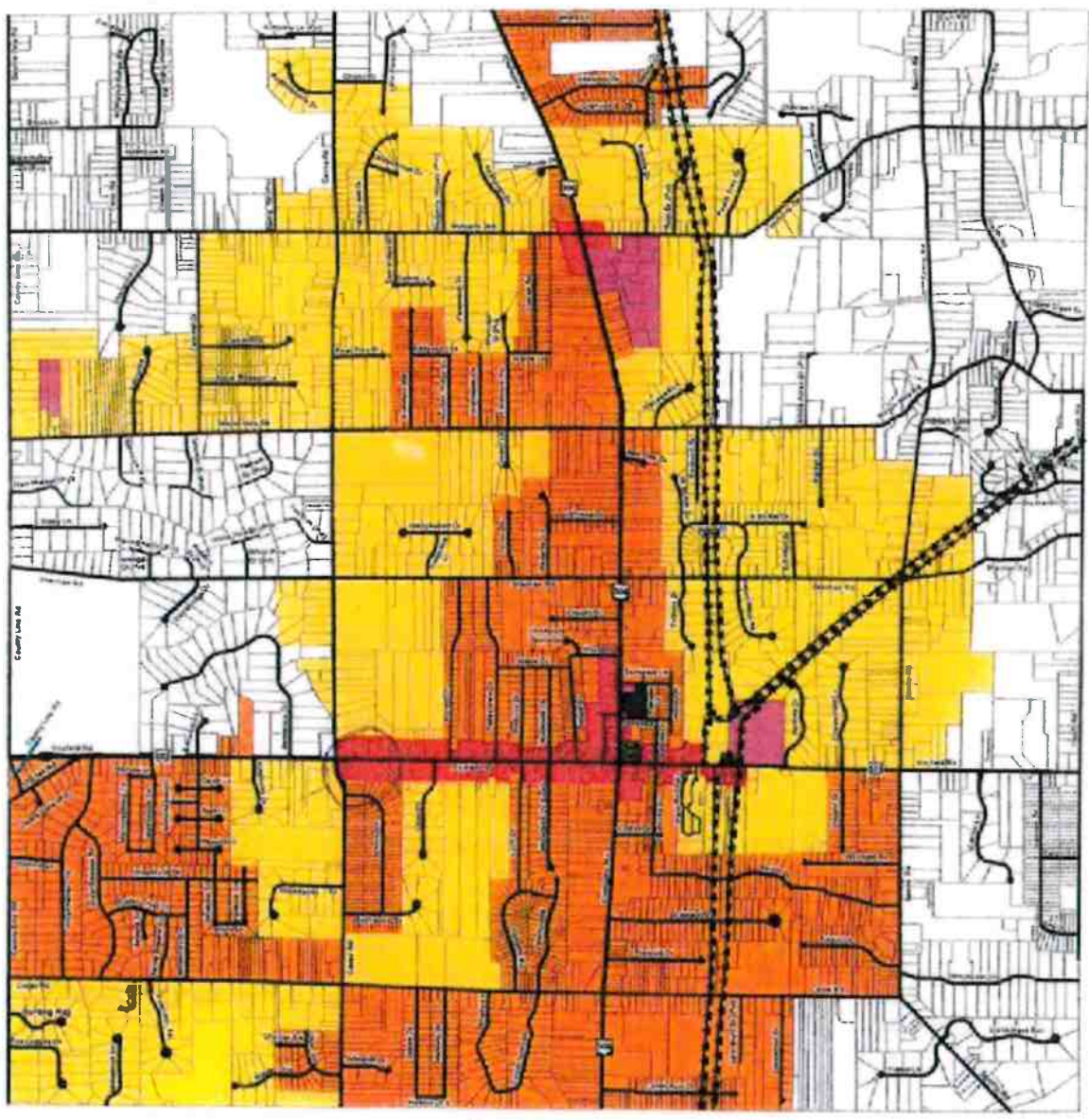
BY [Signature]

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**EXHIBIT**  
**I**



- ⚡ High Tension Wires
- Zoning Districts**
- R: One Family Residential
- R3A: One Family Residential
- R5A: One Family Residential
- SC: Shopping Center
- C: General Commercial
- I: Restricted Industrial

## Chester Township Zoning Map

Note: Two Family Residential, 1/23 acres Deleted by Amendment Z-2008-2, 6/24/08

Prepared by: The Geauga County Planning Commission October 1989  
 Note: The Geauga County Planning Commission does not warrant the accuracy of this map. It is not based upon a land survey.  
 Rev. July 2005, April 2008

Revised September 1996 Revised November 2000 Revised December 2001  
 Revised July 2005 (roads, lot lines & high tension wires)  
 Revised April 2008 (lot lines)  
 Revised May 2018 (lot lines and roads)  
 Revised January 2018 (lot lines and roads)

\*Per action taken on Amendment No. Z-2008-2 referendum petition by Geauga County Board of Elections.



Amendment No. Z-2008-2 is Herely Adopted by the Chester Township Board of Trustees this 8th Day of May, 2008

Judith Caputo, Trustee  
 Ronald N. Colman, Trustee  
 Clay Lawrence, Trustee

Effective the 29th Day of August, 2008\*

Karen M. N. Austin, CPA, Fiscal Officer

Lot Lines and Roads Updated this

2<sup>nd</sup> Day of February 2010

*[Signature]*  
 Joseph J. Matthews, Trustee

*[Signature]*  
 Robert J. Higgins, Trustee

*[Signature]*  
 Dan Riedel, Trustee

*[Signature]*  
 Craig Spitzer, Fiscal Officer

*The Planning Commission to board members of proposed zoning amendment...  
 is anticipated and located near...  
 to review and approve the same.*

lot 10





Statement Relative to the Reasons for the Proposed Amendment and  
How it Relates to the Chester Township Land Use Plan

The rationale for Applicant's proposed text amendments is discussed in further detail in Applicant's Supplement to Application for Zoning Amendment (the "Supplement") attached hereto.

Regarding the relationship between the proposed text amendments and the Chester Township Land Use Plan, Applicant submits that the proposed amendments and the addition of "Congregate Care Facility" as a conditionally permitted use in the (C): General Commercial District is consistent with and should be viewed favorably under the Land Use Plan.

The Land Use Plan reflects the following:

-Page I-1: "[P]rotection of environmental quality is particularly warranted where on-site septic systems and water wells are utilized." The proposed use will be served by existing sanitary sewers which Applicant has paid for.

-Page II-4, Map 2: Indicates the Property is fronted by a federal highway (Mayfield Rd-Rte. 322).

-Page II-5, Map 3: Indicates that as of 2001, approximately 12,750-12,850 cars per day pass the site on Mayfield Rd.

-Page II-9: Discusses the Township's Fire and Safety services. It should be noted that ambulance/rescue services will only be contacted in the event of a true emergency, which medical and nursing staff will evaluate prior to the placement of any calls to public services. However, due to the compromised condition primarily of the long-term care population in the proposed facility, some increase in fire/rescue calls is anticipated.

-Page II-9: Discusses the school system. Applicant submits that development of Congregate Care Facilities, in general, and Nursing Homes, in particular, do not result in a noticeable increase in students in the local school district due to (i) the relatively short stays of rehabilitation patients and (ii) the relative age of the long-term care patients.

-Page II-12: Discusses available professional medical services and hospitals. Applicant anticipates its operator already possessing and/or developing a referral network with these nearby providers, particularly Hillcrest Hospital.

-Page II-12, 13: Discusses utilities. Upon information and belief, all necessary utilities (including, electric, gas, telephone, cable, internet, (private) solid waste disposal, etc.) are available to the Property. As described in the Supplement, the Property is located within the sewer service area designated in the Chester Township Service Area Plan (see Map 6) and is

served by the existing sanitary sewer located along Mayfield Road. All sewer assessments have been paid in full.

-The location and designation of the Property in the (C): General Commercial District reflects the Township's recognition and desire for this Property to be used for a commercial use, while at the same time attempting to maintain the semi-rural character of the Township. Applicant submits that Congregate Care Facilities represent a blend of both commercial and residential uses.

-Page II-38, Table 21: Reflects that only 257 acres in the Township are zoned C: General Commercial, representing a mere 1.7% of the total acreage in the Township. Whether the Property is developed as a Congregate Care Facility or some other permitted or conditionally-permitted use, it is likely to be developed. At this point in time, there is little demand for retail or office uses, while there is a growing demand for services directed towards aging seniors.

-Page II-40: Discusses the fact that, like other townships, Chester maintains a majority of its tax base in real property. Both the owner and operator of proposed facility are for-profit entities. When completed, the estimated \$15 million facility will result in substantial real estate tax revenues to Geauga County and the Township.

-Page II-43-51: Discusses desire to avoid development in Critical Natural Areas ("CAN/s") and Agricultural Security Areas ("ASA's"). Currently, the Property is largely cleared of trees and vacant. At least three separate wetland studies have been performed to date on the Property and a jurisdictional determination rendered by the Army Corps. The size and location of the wetlands on the site make much of the Property unbuildable. Applicant has gone to great efforts to avoid impacting the wetlands and, in fact, will impact only a small portion of the them in order to develop the site. Applicant will be purchasing wetland credits for creation of replacement wetlands elsewhere as consideration therefore.

-Page III-3: Acknowledges the dramatic increase in the "65 and over" demographic of the Township population. As this demographic makes up the majority of Congregate Care Facility residents, the Township should consider a facility that renders the services required by these residents.

-Pages IV-2, IV-7 reflect that the Property is located in the (C): General Commercial District.

-Page IV-25, Table 33: Reflects two of the parcels making up the Property. The third parcel (11-389255) was created through the vacation of old Caves Road, which occurred after the Land Use Plan was created.

-Page IV-33, Pages V-31: Reflects generalized ground water availability on the Property of 5-15 gallons per minute. The discussion at Page V-31 concludes that no long-term regional water level changes have occurred despite the increase in population in the Township. Applicant intends to drill one or more wells on the Property and to develop on-site water storage to ensure sufficient water for its needs.

-Page IV-34, Page V-58: Reflects soil capability ratings as "severe" for commercial buildings. The discussion on Page V-58 indicates that the "severe" category encompasses approximately 85% of the Township and states that such designation "does not preclude development, provided appropriate engineering, design, and maintenance mechanisms are employed."

-Page V-8: Indicates depth to bedrock on the Property of greater than five feet.

-Page V-10: Indicates slopes on the Property of 2-6%. Applicant is having its own topographical study performed.

-Page V-43, Map 60: Indicates the Property is on the low end of the spectrum for Groundwater Pollution Potential.

Page VI-1, Page VI-7: Discuss the Township Resident Survey results and determined that "Ground water supplies and well water quality are adequate ..."

Page VII-1: Recommends that the Township "[e]xamine permitted uses, particularly in the commercial zone, to determine if some of the more intensive uses allowed should be classified as conditional.



# Caves Road Chesterland

**ROOM COUNT:**

TITLE	UNITS	BEDS
Unit A	53 units	53 beds
Unit B	33 units	33 beds
Companion	5 units	10 beds
<b>TOTAL</b>	<b>91 units</b>	<b>96 beds</b>

**BUILDING FOOTPRINT AREA:**  
 Building = 66,843 SF  
 Parking = 105 Spaces

THIS DRAWING IS FOR GENERAL INFORMATION PURPOSES ONLY AND NOT BE USED FOR CONSTRUCTION OR CONTRACTING PURPOSES WITHOUT THE WRITTEN PERMISSION OF SA GROUP.



PROPOSED SITE PLAN

November 12th, 2021

CAVES ROAD



FORM NO. 21

APPLICATION FOR A ZONING AMENDMENT

CHESTER TOWNSHIP

O.R.C. SECTION 519.12(A)

The undersigned owner(~~SPX 166666~~) of the following legally described real property hereby request the adoption of the following zoning amendment to the Chester Township Zoning Resolution.

THIS APPLICATION SHALL BE COMPLETED BY THE APPLICANT.

- A. Name of Applicant: Caves Road, LLC, by and through Biltmore Healthcare, LLC, its authorized rep.  
Address of Applicant: 30050 Chagrin Blvd., Suite 100, Pepper Pike, OH 44124  
Attn: T. David Mitchell  
Telephone Number of Applicant: (216) 292-5555  
Fax Number of Applicant: (216) 292-5511  
E-mail Address of Applicant: tdmitchell@brenner-law.com
- B. Address(es) and PPN(s) of the lot(s): 7895 Mayfield Rd., PPN's 11-199600 (9.41 acres), 11-389255 (.22 acres), 11-259900 (1.75 acres).
- C. Describe the present use of the lot(s): Vacant
- D. Describe the present zoning classification of the lot(s): (C): General Commercial
- E. Provide the text of the proposed amendment: (use strike-through on any existing text to be deleted and highlight proposed text) See proposed amendments attached as Exhibit E.
- F. What is the proposed zoning district classification? (if applicable) Property to remain zoned (C): General Commercial. Proposed amendment seeks to amend the text of the zoning resolution.
- G. Attach a copy of the deed(s) of record with a legal description for the lot(s) included in the proposed amendment. The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application. See deed/conveyances attached as Exhibit G.
- H. Attach a map, drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot(s). See Survey attached as Exhibit H.
- I. Attach a copy of the official township zoning map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable. See official map attached as Exhibit I.
- J. Attach a statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan. See statement attached as Exhibit J.

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K. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply systems. See site plan attached as Exhibit K. Please note this is a preliminary site plan only. Final site plan will be contingent upon the final language of the text amendment.

L. Provide a list of the addresses and PPN's from the county auditor's current tax list of all owners of property within and contiguous and directly across the road from the area proposed to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list. N/A. The proposed text amendment does NOT seek to rezone or redistrict any property. I hereby certify that all of the information supplied in this application and attachments hereto is true and correct to the best of my knowledge, information and belief.

I hereby acknowledge that I understand that the penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Caves Road, LLC, by Biltmore Health Care, LLC

By: [Signature]  
Applicant's Signature

Print Name: T. David Mitchell, Manager

4/20/2022  
Date

\*\*\*\*\*

FOR OFFICIAL USE ONLY

Application or Amendment Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_

Date of Submission to County Planning Commission: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Dates, time and place of public examination: \_\_\_\_\_

Date of Notice to Property Owners: \_\_\_\_\_

Date of Notice in Newspaper: \_\_\_\_\_  
(provide name of newspaper)

Date of Submission to Board of Township Trustees: \_\_\_\_\_

Amount of Fee Paid: \$ \_\_\_\_\_

I hereby acknowledge the receipt of this application for a zoning amendment this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature of Chairman or Secretary of  
Township Zoning Commission

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

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## 2.02.0 WORDS AND TERMS DEFINED

**“ACCESSORY BUILDING, STRUCTURE, OR USE”** means a subordinate use of a building, structure, or lot or a subordinate building or structure (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use.

**“ADULT ORIENTED BUSINESSES”** see Article 6, Section 6.08.01A.1-26.

**“AGRICULTURE”** includes farming, ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**“ANTENNA”** means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

**“AUTOMOTIVE REPAIR”** means the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**“AUTOMOTIVE WRECKING”** means the dismantling, wrecking, disassembling, or junking of used or inoperative vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**“AUTOMOTIVE WRECKING YARD”** means a lot where automotive wrecking takes place.

**“AVERAGE FINISHED GRADE LEVEL”** is the average of the grade of the ground at all corners of a building or other structure.

**“BASEMENT”** means a portion of a building or structure with at least one-half of its floor to ceiling height below the adjoining exterior finished grade level and with its ceiling not covered by earth. Said portion is not a completed building or structure and shall only serve as a substructure or foundation for a building or structure.

**“BEACON”** means any light with one or more beams directed into the atmosphere or directed at one or more points that are not in the same zone as the light source; including any light with one or more beams that rotate or move.

**“BILLBOARD”** See signs, Article 9.

**“BOARD”** shall mean the board of zoning appeals of Chester Township.

**“BREEZEWAY”** means an open-sided accessory structure for the purpose of connecting the principal building on a lot with other accessory buildings. For purposes of this resolution, a “breezeway” shall not be used to connect an accessory building to a principal building if the accessory building without the

breezeway would violate any other provisions of this resolution.

**"BUILDING"** means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**"BUILDING, COMPLETELY ENCLOSED"** is a building separated on all sides from adjacent open space or from other buildings or structures by a permanent roof and by exterior or party walls, pierced only by windows and usual doorways.

**"BUILDING HEIGHT"** shall be the vertical distance measured from the average finished grade level to, in the case of flat roofs, the level of the highest point of the roof or, in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof.

**"BUILDING LINE"** see "setback line".

**"BUILDING, PRINCIPAL"** means a building within which the main or primary permitted use is conducted on a lot.

**"CANOPY"** means a free-standing open-sided roofed structure supported on one or more supports.

**"CEMETERY"** means land used or intended to be used for the burial of the human or animal dead.

**"CHANNEL"** means a natural or artificial watercourse of perceptible extent, with beds and banks to confine and conduct continuously or periodically flowing water.

**"CHURCH"** means a building or group of buildings, including customary accessory buildings, designed for public worship; for the purposes of this resolution, the word "church" shall include temples, cathedrals, synagogues, mosques, chapels, kingdom halls, shrines, and congregations.

**"CLINIC"** means any building or other structure devoted to the diagnosis, treatment and care of people as out-patients.

**"COLLOCATION"** means locating wireless telecommunication antennas and appurtenant equipment from more than one provider on a single wireless telecommunications tower site.

**"COMMISSION"** shall mean the zoning commission of Chester Township.

**"CONDITIONAL USE"** means a use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals and the issuance of a conditional zoning certificate.

**"CONDITIONAL ZONING CERTIFICATE"** means a certificate issued by the zoning inspector upon approval by the township board of zoning appeals for a conditional use.

**"CONGREGATE CARE FACILITY"** means a Nursing Home, Residential Care Facility or other similar facility that provides accommodations, supervision, personal care services and/or skilled nursing care for individuals who are dependent on such services by reason of age or physical or mental impairment. See also "Nursing Home" and "Residential Care Facility."

**"CONSTRUCTION"** means the placing of construction materials in permanent position and fastened in a permanent manner.



**"COUNTY"** means Geauga County, Ohio.

**"CUL-DE-SAC"** means a street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turnaround. A **"SOLID CUL-DE-SAC"** is a cul-de-sac which is completely paved and shall have an outside pavement radius of fifty-five (55) feet. An **"ISLAND CUL-DE-SAC"** is a cul-de-sac which has landscaped green space in the center and shall have an outside pavement radius of eighty (80) feet.

**"DAY SPA"** means an establishment offering a variety of personal health and beauty related services, including weight reduction and hair styling, but expressly excluding any adult regulated uses.

**"DECK"** means a roofless, floored structure, typically with a railing, that adjoins and is usually attached to a building and is structurally supported on posts, piers, walls or similar methods.

**"DENSITY"** means a unit of measurement representing the number of people, buildings, structure or dwelling units per acre of land.

**"DISTRICT"** means a portion of the township shown on the zoning map within which zoning regulations apply as specified in this resolution.

**"DRIVEWAY"** means a private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

**"DWELLING"** means any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein. A dwelling shall have one (1) dwelling unit.

**"DWELLING, SINGLE FAMILY"** means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.

**"DWELLING UNIT"** means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one (1) family for residential occupancy.

**"EARTH DISTURBING ACTIVITY"** means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

**"EASEMENT"** means the right of a person, government entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office.

**"EROSION"** means the process by which the land surface is worn away by the action of water, wind, ice or gravity.

**"FAMILY"** means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities, exclusive of live-in employees: (1) any number of persons related by blood, adoption, guardianship or marriage; (2) two persons not related by blood, adoption, guardianship or marriage; (3) two persons not related by blood, adoption, guardianship or marriage, and any children related to either of them; (4) not more than five persons living together in a supported living arrangement under Ohio Revised Code 5126.01 and other applicable statutes

and administrative regulations, exclusive of live-in care givers. EXCEPTIONS: "FAMILY SHALL NOT INCLUDE: (1) a society, club, fraternity, sorority, association, lodge combine, federation, coterie, or a like organization; (2) any group of individuals whose association is temporary or seasonal in nature; and/or (3) any group of individuals who are in a group living arrangement as a result of criminal offenses.

**"FARM MARKET"** means a market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. See O.R.C. Section 519.21(C)(l).

**"FENCE"** means an artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation.

**"FINISHED GRADE LEVEL"** means the elevation of the finished grade of the ground adjacent to a building or structure.

**"FIXTURE, FULL CUTOFF LIGHTING"** means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

**"FLOOR AREA, TOTAL"** means the sum of the horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls. "Floor area" shall not include (1) basement and crawl space of the building; (2) attic space of the building; (3) breezeways, decks, patios and open porches; (4) uncovered steps, and (5) attached residential garages.

**"FRONTAGE"** see "lot line, front".

**"GARAGE"** means a building designed and used for the storage of motor vehicles.

**"GARAGE, YARD, BARN OR ESTATE SALE"** means a private sale of personal property that is open to the public.

**"GASOLINE FILLING STATION"** means any building, structure, or lot used for the sale of motor vehicle fuels, oils, lubricants and automobile accessories directly to the consumer, and may include minor repairs incidental to such use.

**"GAZEBO"** means a freestanding roofed structure open on the sides.

**"GLARE"** means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**"GLARE, DIRECT"** means the glare resulting from the human eye being able to see the light emitting portion of a light fixture.

**"GOLF CLUB"** means a recreational facility whose principal recreational activity is golf and is available to the public. Accessory facilities may include a swimming pool, tennis courts, club house and maintenance buildings. Such club shall be subject to the regulations set forth in Article 6.

**"GREEN SPACE"** means the percent of lot area that is not included under lot coverage.

**"GROUND FLOOR AREA/ FOOTPRINT"** means the horizontal area of the foundation measured from the exterior faces of exterior walls and/or exterior roof supports.

**"HAZARDOUS WASTE"** means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or other injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which can not be handled by routine waste management techniques.

**"HOME OCCUPATION"** means an occupation for remuneration conducted within a dwelling on a lot within a residential zoning district.

**"HOSPITAL"** means a building containing beds for patients and devoted to the medical diagnosis, treatment and care of human ailments by licensed physicians and other medical staff.

**"HOSPITAL, VETERINARY"** means a building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

**"HOTEL OR MOTEL"** means a building in which transient lodging, or boarding and lodging, are provided and offered to the public for compensation.

**"INDUSTRIALIZED UNIT"** means a structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2- 1-62(A).

**"JUNK"** means waste, discarded or salvaged materials including, but not limited to, scrap metals, building materials, batteries, glass, paper, plastic, rags, rope, rubber, cordage, barrels, machinery and dismantled or wrecked vehicles or parts thereof.

**"JUNK VEHICLE"** means any vehicle that meets all of the following criteria. It is (1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

**"JUNK YARD"** means any lot, property, structure, building, or combination of the same, on which junk is stored, processed, exchanged, baled, packed, sorted, disassembled, bought or sold.

**"LANDSCAPED AREA"** means an area improved only with materials as defined as "landscaping" and maintained in a controlled manner.

**"LANDSCAPING"** means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, reflective pools, and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and, the preservation, protection, or replacement of existing wetlands, trees, shrubs, and similar living plant material.

**"LANDSCAPING BUSINESS"** means a commercial use which provides (1) landscaping services, or the sale at retail of sod, trees, shrubs, plants or other material for landscaping purposes, and/or (2) facilities for the maintenance and storage of equipment and material used for landscaping.

**"LATTICE TOWER"** means a framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

**"LIGHT TRESPASS"** means light emitted by a lighting installation which falls outside the boundaries of the lot on which the installation is sited.

**"LOADING/UNLOADING SPACE"** means off-street space provided for pick-ups and deliveries for commercial and industrial uses.

**"LOT"** means a piece, parcel, tract, or plot of land which shall be a lot of record.

**"LOT, CORNER"** means a lot located at the intersection of two (2) or more roads.

**"LOT, COVERAGE"** means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, driveways, loading/unloading spaces and parking area on a lot.

**"LOT MEASUREMENTS"** a lot shall be measured as follows:

**"DEPTH"** means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**"WIDTH"** means the shortest distance that occurs between the side lot lines measured anywhere between the front lot line and the setback line.

**"LOT, MINIMUM AREA"** means the total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road.

**"LOT, INTERIOR"** means any lot other than a corner lot.

**"LOT LINE"** means the boundary of a lot which separates it from adjoining lots of record; public land; private land; common, public or private open space; and public or private roads.

**"LOT LINE, FRONT (FRONTAGE)"** means the boundary of a lot which abuts a public or private road. In the case of a corner lot or through (multiple frontage) lot in a residential district, the front lot line shall be designated by the lot owner, provided that all other provisions of this resolution are met.

**"LOT LINE, REAR"** means a lot line, other than a front lot line on another street, which is parallel or with forty-five (45) degrees of being parallel to the front lot line. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.

**"LOT LINE, SIDE"** means any boundary of a lot which is not a front lot line nor is a rear lot line.

**"LOT OF RECORD"** means a parcel of land shown as a separate unit on the county auditor's current tax roll, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

**"LOT, THROUGH (MULTIPLE FRONTAGE LOT)"** means a lot, other than a



corner lot, with lot lines on more than one (1) street. Both streets shall be deemed front lot lines.

**"MANSARD ROOF"** means a roof with a steep lower slope and a flatter upper portion, also known as a gambrel roof.

**"MANUFACTURED HOME"** means a building unit or assembly of closed construction fabricated off-site as defined in Ohio Revised Code Section 3781.06(C) (4).

**"MANUFACTURED HOME PARK"** means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in Ohio Revised Code 3733.01(A).

**"MEDICAL MARIJUANA"** means marijuana, as defined in O.R.C. Section 3796.01(A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01(A)(2).

**"MEMORIAL PARK"** means a burial place for human beings in which above-surface monuments, tombstones, and grave markers are prohibited and where the natural setting of the land so developed is retained.

**"MINERALS"** means substances or materials excavated from natural deposits on or in the earth.

**"MOBILE HOME"** means a building unit or assembly of closed construction built on a permanent chassis as defined in Ohio Revised Code Section 4501.0(O), and which is designed to be used as a dwelling unit with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

**"MONOPOLE"** means a structure composed of a single spire used to support communications equipment.

**"MONUMENT"** means a statue, pillar or other non-habitable structure erected in memory of the dead or of a person or event.

**"MOTEL"** see "hotel or motel".

**"MOTOR VEHICLE"** means a motor vehicle as defined in the Ohio Revised Code.

**"NONCONFORMING BUILDING OR STRUCTURE"** means a building or structure which was lawfully in existence at the effective date of this resolution or amendment thereto that does not conform to the area, square footage, yard, height, or other applicable regulations for the zoning district in which it is located.

**"NONCONFORMING USE"** means the use of a building, structure or lot which was lawfully in existence at the effective date of this resolution or amendment thereto and which does not conform to the use regulations for the zoning district in which it is located.

**"NURSING HOME"** means a facility licensed by the Ohio Department of Health for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care. See also "Congregate Care Facility."

**"OPEN SPACE"** means a totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, driveways, or parking lots.

**"PARKING GARAGE, COMMERCIAL"** means any building in the commercial district which (1) is used for the storage of motor vehicles, and (2) is not accessory to any other use on the lot, and (3) contains space rented to the general public by the hour, day, week, month, or year. A "commercial parking garage" shall not include (1) any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor (2) any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for the dead storage of motor vehicles.

**"PARKING LOT"** means an off-street area designed for parking of vehicles, including driveways and aisles.

**"PARKING LOT, COMMERCIAL"** means any lot in the commercial district which (1) is used for the storage of motor vehicles, and (2) is not accessory to any other use on the same or any other lot, and (3) contains space rented to the general public by the hour, day, week, month or year. A "commercial parking lot" shall not include (1) any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor (2) any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for dead storage of motor vehicles.

**"PARKING SPACE"** means an off-street space designed for parking of vehicles in association with a specific use.

**"PATIO"** means a paved structure without a roof and open on the sides.

**"PAVILION"** see "gazebo".

**"PERSONAL WIRELESS SERVICES"** means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

**"PERSONAL WIRELESS SERVICE FACILITY"** means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services as defined by 47 U.S.C. 332(c)(7).

**"PLACE OF WORSHIP"** see "church".

**"PLANS, DEVELOPMENT"** means a drawing prepared by or for a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land, buildings and structures of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

**"PLAYFIELD"** means land used and equipped for outdoor athletics.

**"PLAYGROUND"** means land used and equipped for recreation, especially for children.

**"PORCH"** means an open-sided accessory structure with a roof attached to the principal dwelling that adjoins an entrance. Placement of the porch shall not violate any other provisions of this resolution.

**"PRIVATE ROAD OR STREET"** means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

**"PRODUCE"** means items such as fresh fruit, vegetables, eggs, grains, herbs, honey, maple syrup, milk, cheese, beeswax, plants, flowers and meats.

**"PUBLIC ROAD OR STREET"** means a road right-of-way for public use as defined in R.C. Section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress for an abutting lot.

**"PUBLIC UTILITY"** see Article 11, Section 11.04A.1-8.

**"RADIO"** means the communication of impulses, sounds, and pictures through space by electromagnetic waves.

**"RECREATIONAL VEHICLE"** means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

**"RESIDENCE OR RESIDENTIAL"** means a building or any part of a building which contains a dwelling unit for permanent occupancy. "Residences" include all single family dwellings. Residences do not include (1) transient accommodations, and (2) that part of a building which is used for any non-residential uses, except accessory uses for residences, in a building containing both residences and other uses, and (3) institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages, and other institutional residential uses.

**"RESIDENTIAL CARE FACILITY"** means a facility licensed by the Ohio Department of Health to provide accommodations, supervision and/or personal care services to individuals who are dependent on such services by reason of age or physical or mental impairment. See also "Congregate Care Facility."

**"RIGHT-OF-WAY"** means all land included within an area dedicated to public use as a road, or land recorded as an easement for private use as a road, for ingress and egress.

**"ROAD"** means a public or private road as defined in this resolution.

**"ROOF"** means a covering structure of rigid permanent waterproof materials.

**"SCHOOL"** means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

**"SEDIMENT"** means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.

**"SEDIMENT CONTROL"** means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle.

**"SEDIMENT POLLUTION"** means failure to use management or conservation practices to abate wind or water erosion of the soil, or to abate the degradation of

the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non- agricultural purposes.

**"SERVICE STATION"** see "gasoline filling station".

**"SETBACK LINE"** means a line parallel to and measured from a lot line which, together with the lot line, encloses the area in which no building or structure shall be located, except as otherwise provided in this resolution. See also: Yard, front, side, and rear.

**"SIGN"** see signs, Article 9.

**"SPA"** see "day spa".

**"STORY"** means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half (1/2) of its height is located above the finished grade level of the adjacent ground.

**"STREET"** means a public or private road as defined in this resolution.

**"STRUCTURAL ALTERATION"** means any change in or addition to the supporting members of a structure, such as bearing walls, beams, foundations, columns or girders.

**"STRUCTURE"** means anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including but not limited to buildings, driveways, decks, patios, and loading/unloading areas.

**"SUBSTANTIAL EVIDENCE"** means more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

**"SWIMMING POOL"** means a permanent open tank or other structure designed to contain a depth of at least two (2) feet of water at any point for the purpose of swimming or wading.

**"SWIMMING POOL, STORABLE"** means a swimming or wading pool with a maximum diameter of eighteen (18) feet and a maximum wall height of forty-two (42) inches and so constructed that it can be readily disassembled for storage and reassembled to its original integrity. A pool with nonmetallic inflatable walls, regardless of its dimensions, is considered to be a storable pool. (Definition 680-4 National Electric Code).

**"TECHNICALLY SUITABLE"** means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

**"TELECOMMUNICATIONS"** means technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

**"TELECOMMUNICATIONS, EQUIPMENT BUILDING OR SHELTER"** means the structure in which the electronic receiving and relay equipment for a wireless



telecommunication facility is housed.

**"TELECOMMUNICATIONS TOWER"** means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211(B)(a-e) and this resolution.

**"TOWER"** means any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**"TRUSTEES"** means the board of trustees of the township.

**"TYPE B FAMILY DAY-CARE HOME" AND "TYPE B HOME"** mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time and as defined in O.R.C. Section 5104.01(VV). In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp as defined in O.R.C. Section 5104.01(J).

**"UNLICENSED WIRELESS SERVICE"** means the offering of telecommunication services using duly authorized devices that do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

**"USED CAR LOT"** means any commercial lot on which two (2) or more motor vehicles in operating condition are offered for sale or displayed to the public.

**"VEHICLE"** see "motor vehicle"

**"WELLS, GAS AND OIL"** see "Extraction of Oil, Natural Gas and Hydrocarbons" Article 8

**"WIRELESS TELECOMMUNICATION ANTENNA"** means an antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operator antennas.

**"WIRELESS TELECOMMUNICATION EQUIPMENT BUILDING"** see "telecommunications, equipment building or shelter".

**"WIRELESS TELECOMMUNICATION FACILITY"** means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

**"WIRELESS TELECOMMUNICATIONS TOWER"** means a tower including but not limited to self-supporting lattice or monopole that elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

**"YARD"** means an open space on a lot unoccupied and unobstructed by any building, structure or part thereof, except as otherwise provided by this resolution.

**"YARD, FRONT"** means a yard extending along the full length of the front lot line between the side lot lines, and from the front lot line to the front of the principal building.

**“YARD, REAR”** means a yard extending along the full length of the rear lot line between the side lot lines, and from the rear lot line to the rear of the principal building.

**“YARD, SIDE”** means a yard extending from a building or structure to the side lot line on both sides of a building or structure between the lines establishing the front and rear yards. Where no front or rear yard is required, the side yard shall extend along the side lot line from the front lot line to the rear lot line as the case may be. In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

**“ZONING CERTIFICATE”** means a permit issued by the township zoning inspector in accordance with the regulations specified in this resolution.

**“ZONING COMMISSION”** means the zoning commission of the township.

**“ZONING INSPECTOR”** means the zoning inspector of the township.

**“ZONING MAP”** means the most recent official zoning map of the township which shows the boundaries of the zoning districts established in this resolution.

**5.02.16 CONDITIONAL BUILDINGS, STRUCTURES AND USES.** Conditional buildings, structures and uses may be allowed in accordance with the regulations in this resolution with approval of the Board. (See Article 6.) The following are conditional uses:

- A. Golf driving ranges and miniature golf courses
- B. Limousine and taxi services
- C. Billboard
- D. Congregate Care Facility

**6.07.04**

**CONGREGATE CARE FACILITIES.** Subject to the provisions of Article 6, Congregate Care Facilities may be permitted by the board of zoning appeals as a conditional use in the General Commercial District, with the following conditions:

- A. MINIMUM LOT AREA. The minimum lot size for a Congregate Care Facility shall be ten (10) acres.
- B. SEWERS. The facility shall be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot or lots included for sewer service in accordance with the currently Northeast Ohio 208 Water Quality Management Plan and Geauga County/Chester Township Plan for Wastewater Treatment.
- C. PARKING. Notwithstanding any provision to the contrary, the minimum required parking spaces for a Congregate Care Facility shall be one (1) space per two (2) resident beds plus one (1) space per three (3) employees.
- D. DRIVES. Applicant shall install concrete or asphalt access to at least three (3) sides of the facility to provide accessibility for emergency services.
- E. LIGHTING. Applicant shall submit a proposed lighting plan that reduces, to the extent reasonably feasible, light leaving the site while still adequately illuminating the site.
- F. NUMBER OF BEDS. The number of resident beds in the facility shall not exceed one and one-half (1.5) times the number of resident rooms.
- G. LICENSURE. Proof of licensure by the Ohio Department of Health shall be submitted to the Zoning Inspector.
- H. STAFFING. Applicant shall utilize on-site medical or nursing staff to assist in emergencies at the facility in order to reduce the number of emergency responses required by the Township or private emergency medical services.
- I. LIFE SAFETY REVIEW. The plans for the facility shall be reviewed by the Township Fire Department in order to show compliance with applicable Ohio Administrative Code sections and applicable building, fire and life safety laws, rules and regulations.
- J. OTHER REQUIREMENTS. The facility shall comply with all other zoning requirements imposed by the Resolution for the (C): General Commercial District.





575729

DEED OF EXECUTOR, ADMINISTRATOR, TRUSTEE,  
GUARDIAN, RECEIVER OR COMMISSIONER

RE  
KNOW ALL MEN BY THESE PRESENTS, that BRIAN W. FIALKO, TRUSTEE UNDER THE R. EDWARD BASISTA REVOCABLE TRUST AGREEMENT DATED 9/11/88, by the power conferred upon him in his fiduciary capacity, and every other power, for Ten Dollars (\$10.00) paid, grants, with fiduciary covenants, to CAVES ROAD, L L C, an Ohio limited liability company, whose tax mailing address is 18355 Bent Tree Lane, Bainbridge Township, Ohio 44023-4821, that certain real property described on Exhibit A attached hereto and made a part hereof.

Prior Instrument Reference: Volume 1089, Page 135 of Geauga County, Ohio Records.

Witness my hand this 29th day of March, 2000.

WITNESS: Susan M Wise

Susan M Wise  
Print Name:

Brian W Fialko, Trustee  
Brian W. Fialko, Trustee under the R. Edward Basista Revocable Trust Agreement dated 9/11/88

Kenneth J. Gelling  
Print Name: Kenneth J. Gelling

Title Deed Private Land 2

REAL PROPERTY TRANSFER TAX  
TRANSFERRED AND PAID

MAR 31 2000

Fee \$ EXEMPT  
Tracy A. Jarrison, County Auditor

By: [Signature]  
11-199600  
11-259900

RECEIVED FOR RECORD  
AT 3:39 O'CLOCK PM

MAR 31 2000 22  
RECORDED  
No. 1288 Page 373  
CATHERINE H. HEIDEN  
Recorder, Geauga County, Ohio

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Exhibit A

Legal Description

PARCEL NO. 1: Situated in the Township of Chester, County of Geauga and State of Ohio; and known as being part of Original Chester Township Lots Nos. 14 and 24 in Tract No. 3, and further described as follows: Beginning in the Southerly line of Mayfield Rd. 60 feet wide, at a point therein a distance of 125 feet Easterly, measured along said Southerly line from its intersection with the Easterly line of Caves Road, 60 feet wide, thence South 84 deg. 38' 38" East along said Southerly line of Mayfield Road a distance of 570.71"; thence Southwesterly along the arc of a circle deflecting to the right a distance of 619.26 feet, said arc having a radius of 2267.01 feet and a chord of 617.34 feet which bears South 35 deg. 03' 43.7" East; thence North 84 deg. 38' 38" West a distance of 1,095.38 feet to a point in the Easterly line of Caves Road; thence North 5 deg. 17' 00" East along said Easterly line of Caves Road a distance of 313 feet to the Southwest corner of land of Station Development Corporation recorded in Volume 390, Page 211 Geauga County Records; thence South 84 deg. 38' 38" East a distance of 125 feet; thence North 5 deg. 17' 00" East a distance of 157 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL NO. 2: Situated in the County of Geauga in the State of Ohio and in the Township of Chester and known, bounded and described as follows: being part of Original Lot No. 24 of Tract 3 within said Township and further described as follows:

Beginning in the center line of Mayfield Road (U.S. Route No. 322) and at the Northwesterly corner of land conveyed to Joseph Cavalier et al by deed recorded in Vol. 263, Pg. 9 of Geauga County Records of Deeds; thence along the Southwesterly line of land conveyed to said Cavalier and along the Southwesterly line of land conveyed to Adelbert J. Haubrich, et al by deed recorded in Vol. 218, Pg. 610 of Geauga County Records of Deeds, along a curved line deflecting to the right a distance of 250.0 feet; the said curved line having a radius of 2360.50 feet and a chord bearing South 41 deg. 31' 28" East a distance of 249.88 feet; thence South 34 deg. 43' 26" East 247.45 feet to a Northerly line of the said Haubrich land; thence North 87 deg. 45' West along said Northerly line of Haubrich, 48.52 feet to an angle in the line of said land of Haubrich; thence along a Southwesterly line of said land of Haubrich along a curved line deflecting to the right a distance of 228.42 feet; the said curved line having a radius of 2317.0 feet and a chord bearing South 30 deg. 20' 55" East a distance of 228.28 feet to a point of tangency; thence continuing along the Southwesterly line of said land of Haubrich and then along a Southwesterly line of land conveyed to Peter Peterson, Jr. by deed recorded in Vol. 206, Pg. 184 of Geauga County Records of Deeds, South 27 deg. 31' 30" East 310.94 feet to the most southerly corner of the said Peterson land; thence South 2 deg. 09' 30" West 100.96 feet to an angle in the Easterly line of land conveyed to Louise H. Ingalls by deed recorded in Vol. 189, Pg. 213 of Geauga County Records of Deeds; thence along a Northeasterly line of said land of Ingalls, North 27 deg. 31' 30" West 398.66 feet to a point of curvature and then along a curved line deflecting to the left a distance of 776.01 feet to the center line of said Mayfield Road; said curved line having a radius of 2267.0 feet and a chord bearing North 37 deg. 19' 56" West a distance of 772.35 feet; thence along said road center line South 87 deg. 45' East 139.36 feet to the place of beginning. Containing 1.753 acres of land as described August 1956, by Root and

YHL 1288 PAGE 0374

A-1

Pomeroy, Registered Surveyors, from map showing survey made October 1930, by Crabbs and Fullerton, Surveyors, be the same more or less, but subject to all legal highways.

Permanent Parcel Numbers: 11-199600 and 11-259900

Revised by JKJ  
Date 3-21-00  
GEAUGA COUNTY AUDITOR

VOL 1288 PAGE 0375

STATE OF OHIO )  
COUNTY OF Cuyahoga ) ss:

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of March, 2000, by BRIAN W. FIALKO, TRUSTEE UNDER THE R. EDWARD BASISIA, REVOCABLE TRUST AGREEMENT DATED 9/11/88.

  
Notary Public

[NOTARIAL SEAL]

My Commission Expires:

KENNETH J. GULLINO, Notary Public  
State of Ohio  
Expires Nov. 8, 2003

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This instrument was prepared by  
and should be returned to:  
Jones, Day, Reavis & Pogue  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
Attn: Debra A. Janko  
(216) 586-3939



STATE OF OHIO )  
 ) SS:  
COUNTY OF GEAUGA )

200500711976  
Filed for Record in  
GEAUGA COUNTY, OHIO  
MARY MARGARET MCERIDE  
02-08-2005 At 03:18 pm.  
COUNTY AFDT .00  
OR Book 1754 Page 1038 - 1045

**AFFIDAVIT OF ROBERT L. PHILLIPS, P.E., P.S.  
GEAUGA COUNTY ENGINEER  
VACATION OF ROAD RIGHT OF WAY**

Now comes, Robert L. Phillips, P.E., P.S., the duly elected County Engineer for Geauga County being first duly sworn according to law, deposes, and states as follows:

1. I have knowledge of the happening of an event or condition that resulted in the termination of an estate or interest.

TO WIT: The Geauga County Board of Commissioners, during session on December 14, 2004, altered, dedicated and vacated a portion of Section D & E of Caves TR-157 in Chester Township, Geauga County, Ohio, and hereby files this affidavit pursuant to Ohio Revised Code Section 5301.252(B)(3).

2. That the vacated portion of the right-of-way abutting permanent parcel no. 11-218000, Volume 960, Page 756, the legal description for which is attached hereto for record as Exhibit "A", parcel no. 11-389253, passed to Thomas M. & Tina M. Sapanaro.

3. That the vacated portion of the right-of-way abutting permanent parcel no. 11-147000, Volume 1754, Page 871, the legal description for which is attached hereto for record as Exhibit "B", parcel no. 11-38924, passed to Robert A. & Lillian M. Horton.

4. That the vacated portion of the highway easement abutting permanent parcel no. 389254, Volume 1754, Page 871, the legal description for which is attached hereto for record as Exhibit "P" passed to Robert A. & Lillian M. Horton.

5. That the vacated portion of the right of way abutting permanent parcel no. 11-199600, Volume 1288, Page 373, the legal description for which is attached hereto for record as Exhibit "C", parcel no. 11-389255 passed to Caves Road L.L.C.

6. That the vacated portion of the right of way abutting permanent parcel no. 11-349300, Volume 1214, Page 465, the legal description for which is attached hereto for record as Exhibit "E", parcel no. 11-389256 passed to Michael H. Marino.

7. That the vacated portion of the highway easement abutting permanent parcel no. 11-211500, Volume 1508, Page 673, the legal description for which is attached hereto for record as Exhibit "D" passed to Mayfield United Methodist Church.

8. That the legal descriptions, attached hereto for record, were prepared for the vacation of a portion of Section D & E of Caves Road, TR-157, pursuant to Chapter 5553 of the Ohio Revised Code.

FURTHER, AFFIANT SAYETH NAUGHT.

Reviewed by  
Date 2-8-05  
GEAUGA COUNTY AUDITOR

*Robert L. Phillips*  
Robert L. Phillips, P.E., P.S.  
Gauga County Engineer

Sworn to and subscribed in my presence this 8th day of February, 2005.

*[Signature]*  
NOTARY PUBLIC



This Instrument was prepared by:  
The Geauga County Engineer's Office  
470 Center Street, Bldg. 5  
Chardon, Ohio 44024  
(440) 286-3936

PETER SELISKAR, Notary Public  
STATE of OHIO  
My Comm. Exp. March 26, 2007  
Recorded in Geauga County

File Deed Page 13

December 6, 2004

**DESCRIPTION OF A PART OF  
THE PROPOSED VACATION OF CAVES ROAD  
TO BE APPENDED TO  
LANDS OF CAVES ROAD, LLC  
RECORDED IN VOLUME 1288, PAGE 373 OF  
GEAUGA COUNTY OFFICIAL RECORDS  
(ID NO. 11-199600)**

**-PARCEL C-**

Situated in the Township of Chester, County of Geauga, and State of Ohio and known as being a part of Original Lot No. 24 in Tract No. 3 of the Eighth Township in the Ninth Range of the Connecticut Western Reserve and further known as being a part of vacated Caves Road as shown on the Alteration Plat for the Dedication and Vacation of Portions of Caves Road as recorded in Volume 37, Page 110 of the Geauga County Plat Records and is bounded and described as follows:

Beginning in the easterly line of said vacated Caves Road at the southwesterly corner of land conveyed to Michael H. Marino by instrument dated January 29, 1999 and recorded in Volume 1214, Page 465 of the Geauga County Official Records;

**COURSE I** Thence South 0°00'51" East along said easterly line of vacated Caves Road 312.97 feet to the northwesterly corner of Sublot No. 1 in Chester Estates Subdivision No. 1 as shown by plat recorded in Volume 7, Page 32 of the Geauga County Plat Records;

**COURSE II** Thence North 89°56'29" West along the westerly prolongation of the northerly line of said Sublot No. 1 a distance of 30.00 feet to a point on the centerline of vacated Caves Road as shown on said plat;

**COURSE III** Thence North 0°00'51" West along said centerline of vacated Caves Road a distance of 313.00 feet to a point on the westerly prolongation of the northerly line of said land of Marino;



Thence South 89°53'29" East along said westerly prolongation of the northerly line of land of said Marino a distance of 30.00 feet to the point of beginning and containing 0.216 of an acre of land as calculated and described in July, 2004 by Clyde C. Hadden, Ohio Professional Surveyor No. 7791 of CT Consultants, Inc.

Bearings contained herein are based upon those shown on said Alteration Plat for the Dedication and Vacation of Portions of Caves Road.

H:\2004\04229\SURVEY\DESC\PARCEL C.doc

35000 Kaiser Court | Willoughby | Ohio | 44094 | phone: 440.951.9000 | fax: 440.951.7487 | www.ctconsultants.com

A-2

# MONTVILLE TOWNSHIP ZONING RESOLUTION

**(Allows “Congregate Care Facilities,” including “Nursing Homes,” as a permitted use by right in the Office (O) District, Community Business (C-B) District, Highway Commercial (H-C) District and Rural Commercial (R-C) District with no special conditions.)**





45. **CONDITIONAL ZONING CERTIFICATE:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a conditional use to be established within the district on a specific parcel. See also "Use, Conditional".
46. **CONGREGATE CARE FACILITY:** A nursing home or residential care facility licensed by the Ohio Department of Health to provide accommodations, supervision, personal care services, and/or skilled nursing care for individuals who are dependent on the services of others by reason of age or physical or mental impairment. A congregate care facility may include one or more of the following: 1) independent living with congregate dining facilities; 2) congregate living; 3) assisted living; or 4) nursing care. See also "Nursing Home" and "Residential Care Facility." (Revised 10/08/15)
47. **DAY CARE CENTER:** Any place other than a family day care home in which day care is provided for either adults or children. See also "Adult Day Care Facility" and "Child Day Care".
48. **DENSITY:** A unit of measure expressing the number of dwelling units permitted per acre of land.
49. **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers while said customers remain in their motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include "Car Wash", "Gasoline Station", and "Automobile Service Station".
50. **DRIVEWAY, PRIVATE RESIDENCE:** A path on a residential lot that extends from the street pavement for vehicular access to and from such street. See also Figure 6 at end of Chapter for driveway details.
51. **DRY HYDRANT:** A non-pressurized pipe system permanently installed in existing lakes, ponds and streams that provides a suction supply of water to a fire department tank truck.
52. **DWELLING:** Any building or portion thereof, containing one or more dwelling units and which is designed or used primarily for residence purposes, including attached and detached single-family dwellings as defined herein. (Revised 9/10/09)
53. **DWELLING, ATTACHED SINGLE FAMILY:** A dwelling consisting of two (2) or more dwelling units located side by side, not one above another, having common or adjoining walls and



122. **NONCONFORMITY:** A lot, use of land, building, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Resolution or its amendments, which do not conform to the regulations of the district or zone in which it is situated.
- a) **NONCONFORMING BUILDING OR STRUCTURE:** A building or structure existing when this Zoning Resolution or any amendment thereto became effective, which does not conform to the regulations governing buildings of the district in which it is located.
  - b) **NONCONFORMING LOT:** A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the lot area, width or frontage requirements of the district in which it is located.
  - c) **NONCONFORMING SITE CONDITION:** Any structure lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.
  - d) **NONCONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the use regulations of the district in which it is situated.
123. **NURSING HOME:** A facility licensed by the Ohio Department of Health used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. See also "Congregate Care Facility." (Effective 10/08/15)
124. **OHIO ENVIRONMENTAL PROTECTION AGENCY:** The State government agency referred to herein as the Ohio EPA. (Effective 5/28/09)
125. **OPEN SPACE:** The portion of a lot not covered by a building or parking and/or loading area and which is open to the sky. It may include walkways, landscaping, fences, recreation areas and objects not defined under buildings or structures





**CHAPTER 430  
Commercial District Regulations**

430.1	Purpose.	430.9	Supplemental regulations for planned commercial developments.
430.2	Use regulations.		
430.3	Schedule of permitted uses.		
430.4	Lot requirements.	430.10	Accessory use requirements.
430.5	Yard requirements.	430.11	Landscaping and screening requirements.
430.6	Height regulations.		
430.7	Off-street parking regulations.	430.12	Performance standards.
430.8	Supplemental design standards.	430.13	Development plan review.
		430.14	Certificate of occupancy.

**Sec. 430.1 PURPOSE.**

- A. To provide in appropriate and convenient locations, sufficient areas for business activities, including the exchange of goods and services;
- B. To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- D. To ensure that proposed developments protect the unique natural features that define the rural character of Montville Township and are appropriate and compatible with their surroundings, in accordance with the intent, objectives and development criteria of the Districts;
- E. To provide an Office District (O) that encourages business and professional office buildings and uses where buildings are clustered and attractively landscaped with open spaces in a "campus like" development. Planned commercial developments are permitted in this district in order to create such a flexible design arrangement. (Revised December 13, 2007)
- F. To provide a Community Business District (C-B) that encourages concentrated development areas within the Township offering personal services, community facilities, office and retail facilities. This district is to be applied in areas where residential uses are concentrated, such as near the city of Medina. In order to limit the impact on adjacent residential development, these areas are designated for predominantly store-type uses in a shopping center environment. When feasible, planned commercial developments are also

encouraged to improve the traffic circulation between developments through internal access roads, which then minimize the number of curb cuts along the street.

- G. To provide a Highway Commercial District (H-C) that offers motorist oriented business uses and general retail services, including, but not limited to, automotive, food and lodging services, concentrated around major freeway interchanges within the Township.
- H. To provide a Rural Commercial District (R-C) that encourages a broader range of general commercial activities and community facilities, including personal service facilities, general retail, automotive and agricultural uses that are not necessarily dependent on the availability of sanitary sewers. Such areas may include outdoor storage and display activities, provided the outdoor activities do not adversely impact adjacent residential uses.
- I. To provide for planned commercial developments (PCDs) in designated districts that will offer a more flexible design arrangement of commercial uses in a unified site development through the grouping of businesses and a limited number of access points, providing safe and efficient traffic circulation. The use of PCDs will also encourage economic efficiency through shared infrastructure and other central services.
- J. To establish design standards that will integrate proposed developments into the surrounding environment and avoid large blank walls typical of big box buildings.

**Sec. 430.2 USE REGULATIONS.**

- A. A use listed in Schedule 430.3 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 430.3 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 450 have been met according to the procedures set forth in Chapter 730;
- C. A use listed in Schedule 430.3 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Zoning Resolution.
- D. Although a use may be indicated as permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this

Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance.

**Sec. 430.3 SCHEDULE OF PERMITTED USES.  
REFER TO SEC. 450.6 FOR SUPPLEMENTAL REGULATIONS.**

	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
<b>A. Planned Commercial Development in compliance with Sec. 430.9</b>	P	P	--	P
<b>B. Offices and Medical Services</b>				
1. Administrative, business and professional offices, including public administrative office	P	P	P	P
2. Automated teller machine	C	C	C	C
3. Financial establishment	P	P	P	P
4. Hospital, medical clinic, urgent care facility, ambulance/ emergency medical services, and accessory uses. (Revised December 13, 2007)	P	P	P	P
5. Medical or dental office	P	P	P	P
6. Research/testing laboratory	C	--	--	--
<b>C. Retail, Services, Entertainment</b>				
1. Retail in completely enclosed buildings <sup>(a)</sup>	P*	P	P	P
2. Personal service facilities offering services directly to the public, including, but not limited to, hair care, dry cleaner, shoe repair, and photography studios	P*	P	P	P
3. Drive-thru facility associated with a permitted use	--	C	C	C
<b>Notes to Schedule 430.3: *Effective June 22, 2006</b>				
P = Principal use permitted by right    C = Conditional Use    A = Accessory Use    -- = Not Permitted				
<sup>(a)</sup> In determining a use to be a retail use, the Zoning Commission or BZA may consider the proportion of the display area vs. storage area and the proportion of the building façade devoted to display windows.				

	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
4. Restaurant	C	P	P	P
5. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; protective services; equipment rental and leasing	--	P	P	P
6. Copying services open to the general public on a retail basis	C	P	P	P
7. Funeral home	--	P	--	P
8. Instructional studios	--	P	--	P
9. Other services including carpet cleaning, small appliance and electronic repair	--	P	--	P
10. Indoor recreation	--	C	C	C
11. Sports/fitness center	--	C	C	C
12. Golf course, miniature (Effective 1/13/11)	--	P	P	P
13. Theater, indoor	--	C	C	C
14. Veterinary clinic (no outside kennel)	--	C	--	C
15. Self-storage facilities	--	--	--	C
<b>D. Automotive/Transportation</b>				
1. Agricultural equipment, construction equipment, implements sales, service and rental, provided such uses comply with Sec. 330.1	--	--	--	P
2. Automotive service station	--	C	C	C
3. Car wash (CB Effective 9/27/07)	--	C	C	--
4. Gasoline station with more than 5 islands or 10 pumps	--	--	C	--
5. Gasoline station with not more than 5 islands or 10 pumps in association with a retail store not exceeding 5,000 square feet	--	C	C	C
<b>Notes to Schedule 430.3:</b>				
P = Principal use permitted by right    C = Conditional Use    A = Accessory Use    -- = Not Permitted				



	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
6. Automobile Dealership (Effective 10/12/06)	--	--	C	C
<b>E. Lodging</b>				
1. Hotel, motel	--	C	P	--
<b>F. General Commercial</b>				
1. Trade/contractor's facility including carpenter, cabinetry, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting and other similar facilities	--	--	--	C
2. Vehicle, equipment, and/or machinery repair garage	--	--	--	C
<b>G. Outdoor Activities</b>				
1. Park/playground	C	C	C	C
2. Outdoor recreation	--	--	--	C
<b>H. Community Facilities</b>				
1. Assembly hall, meeting place for fraternal, charitable, social or other organization	--	C	--	P
2. Business school, college or university	C	C	C	C
3. Church or other place of worship	C	P	C	P
4. Congregate care facility <sup>SR1</sup> (Effective 4/12/12)	P	P	P	P
5. Day care center, child and/or adult	C	C	--	C
6. Library, museum	C	C	--	C
7. Post office	C	C	--	P
8. Public safety facility	P	P	P	P
9. Public service facility	--	--	--	P
10. School, public or private	--	C	--	P
<b>Notes to Schedule 430.3:</b> P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted SR1: Evidence of compliance with applicable Federal, State and local laws and regulations, including facility licensure, shall be furnished to the Township.				



**Schedule 520.4**  
**Required Off-Street Parking Spaces**

**Principal Building or Use**

**Minimum Spaces Required**

- A. **Residential Uses:** (Revised 09/10/09)
1. Dwelling, Detached single-family 2 spaces per dwelling unit, both of which shall be enclosed
  2. Dwelling, Detached cluster single-family and attached single-family 4 spaces per dwelling unit and 2 shall be enclosed with guest parking at a ratio of 1 space for every 5 dwelling units
  3. Congregate care facilities, including assisted living 1 space for every 2 beds, plus 1 space for every 3 employees
  4. Group and family homes for handicapped persons 1 space for every 2 beds
- B. **Office and Medical Uses:**
1. Business, professional and administrative offices (excluding medical and dental), financial establishments 1 space per 250 sq. ft. of floor area
  2. Hospitals 1 space for every 2 beds, plus 1 space for every 3 employees
  3. Medical, dental offices and clinics, including urgent care clinics 1 space per 200 sq. ft. of floor area
  4. Research and testing laboratories 1 space per 400 sq. ft. of floor area
- C. **Retail and Service Uses:** (Revised 09/10/09)
1. General retail/service uses in completely enclosed buildings (except as otherwise specified below) 5 spaces per 1,000 sq. ft. (NFA) up to 20,000 sq. ft. (NFA). 20,001 or greater of (NFA) – 4 spaces per 1,000 sq. ft.
  2. Shopping Centers 4 spaces per 1,000 sq. ft. (GFA) and for every 1,000 sq. ft. of (NFA) 200 sq. ft. of landscaped area required in addition to the requirements set forth in Chapter 530.
  3. Beauty salons and barber shops 2 spaces per beauty or barber chair

**SUPPLEMENT TO APPLICATION FOR ZONING AMENDMENT TO  
THE CHESTER TOWNSHIP ZONING RESOLUTION**

April 22, 2022

**I. The Property**

Caves Road, LLC, an Ohio limited liability company ("Applicant"), is the owner of three parcels of vacant land comprising a total of 11.371 acres located on the south side of Mayfield Road east of the intersection with Caves Road. The property consists of Geauga County Parcel Nos. 11-199600 (9.41 acres), 11-389255 (.22 acres), and 11-259900 (1.75 acres) (collectively, the "Property"), which Applicant proposes to consolidate. The primary parcel (11-199600) has a street address of 7895 Mayfield Road. Applicant has entered into a Real Estate Purchase Agreement dated May 7, 2021 (the "Purchase Agreement") to sell the Property to Biltmore Health Care, LLC, a Delaware limited liability company ("Biltmore"), or its nominee, upon the terms and conditions set forth therein. The Purchase Agreement authorizes Biltmore, in the name of Applicant, to pursue the proposed text amendment as a condition of closing of the purchase/sale of the Property. An authorization letter confirming this authority is attached hereto as **Schedule A**. The legal descriptions of the Property are attached hereto as **Schedule B**. The Property is served by existing sanitary sewers (as evidenced by the Northeast Ohio 208 Water Quality Management Plan) along Mayfield Road and all assessments have been paid. Water will be provided via one or more wells to be located on the Property.

**II. The Project**

Biltmore is a developer of nursing homes and assisted living facilities primarily in northeast Ohio and desires to construct a one-story, 96-bed nursing home with a partial basement on the Property. As shown on the preliminary site plan attached to the Application for Zoning Amendment as **Exhibit K**, the proposed structure consists of approximately 67,000 s.f., which will include mostly private resident suites (each with its own bathroom), together with common kitchen, dining, laundry, activities, therapy and administrative areas, attendant driveways, parking areas and internal courtyards (collectively, the "Facility").

The Facility will be constructed and licensed in accordance with all applicable licensure standards of the Ohio Department of Health ("ODH"), will be Medicare and Medicaid certified, and will be surveyed annually by ODH, as required. In addition to serving its resident population, the Facility may also provide limited outpatient therapies (i.e. physical, occupational and speech). Applicant anticipates filing one or more Certificate of Need ("CON") applications with ODH seeking to transfer the operating rights to the required skilled nursing beds to this location. Residents will include short term rehabilitation patients as well as long-term care patients.

Applicant intends to lease the Facility to a licensed operator pursuant to a long-term lease (typically 10-15 years with multiple five-year renewals). Applicant has had preliminary discussions with several prospective operators interested in leasing the Facility.



### III. Current Zoning

The Property is located in the (C): General Commercial District. As currently drafted, Section 5.02 of the Chester Township Zoning Resolution (Effective Date: January 14, 2021) (the "Zoning Resolution") does not permit nursing homes, assisted living facilities or other similar uses in the C District, either as a matter of right or conditionally (See Sections 5.02.01 and 5.02.16, respectively). In fact, the Zoning Resolution does not define or reference nursing homes, assisted living or residential care facilities, congregate care facilities or similar uses whatsoever. Section 5.00.01.A provides that **"Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article 3."**

Based on the forgoing, and pursuant to Article 3 of the Zoning Resolution, Applicant seeks to amend the text of the Zoning Resolution as follows: (i) to amend Section 2.02.0 to add definitions of "Congregate Care Facility," "Nursing Home" and "Residential Care Facility;" (ii) to amend Section 5.02.16 to add "Congregate Care Facility" as a conditional use; and (iii) to add new Section 6.07.04 describing the specific conditions applicable to Congregate Care Facilities in the (C) General Commercial District. **APPLICANT IS NOT SEEKING TO REZONE OR REDISTRIBUTE THE PROPERTY.**

### IV. Proposed Text Amendments

Applicant proposes as follows:

#### A. Proposed Amendment to Section 2.02.0 (WORDS AND TERMS DEFINED)

-Insert the following new defined term after the definition of "Conditional Zoning Certificate" and before the definition of "Construction":

**"CONGREGATE CARE FACILITY" means a Nursing Home, Residential Care Facility or other similar facility that provides accommodations, supervision, personal care services and/or skilled nursing care for individuals who are dependent on such services by reason of age or physical or mental impairment. See also "Nursing Home" and "Residential Care Facility."**

-Insert the following new defined term after the definition of "Nonconforming Use" and before the definition of "Open Space:"

**"NURSING HOME" means a facility licensed by the Ohio Department of Health for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care. See also "Congregate Care Facility."**

-Insert the following new defined term after the definition of "Residence or Residential" and before the definition of "Right-of-Way":

“RESIDENTIAL CARE FACILITY” means a facility licensed by the Ohio Department of Health to provide accommodations, supervision and/or personal care services to individuals who are dependent on such services by reason of age or physical or mental impairment. See also “Congregate Care Facility.”

- B. Proposed Amendment to Section 5.02.16 (CONDITIONAL BUILDINGS, STRUCTURES AND USES)

-Insert the following as new subsection “D”:

D. Congregate Care Facility

- C. Proposed Addition of New Section 6.07.04 (CONGREGATE CARE FACILITIES)

-Insert the following as new Section 6.07.04:

**6.07.04 CONGREGATE CARE FACILITIES.** Subject to the provisions of Article 6, Congregate Care Facilities may be permitted by the board of zoning appeals as a conditional use in the General Commercial District, with the following conditions:

- A. **MINIMUM LOT AREA.** The minimum lot size for a Congregate Care Facility shall be ten (10) acres.
- B. **SEWERS.** The facility shall be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot or lots included for sewer service in accordance with the currently Northeast Ohio 208 Water Quality Management Plan and Geauga County/Chester Township Plan for Wastewater Treatment.
- C. **PARKING.** Notwithstanding any provision to the contrary, the minimum required parking spaces for a Congregate Care Facility shall be one (1) space per two (2) resident beds plus one (1) space per three (3) employees.
- D. **DRIVES.** Applicant shall install concrete or asphalt access to at least three (3) sides of the facility to provide accessibility for emergency services.
- E. **LIGHTING.** Applicant shall submit a proposed lighting plan that reduces, to the extent reasonably feasible, light leaving the site while still adequately illuminating the site.

- F. NUMBER OF BEDS. The number of resident beds in the facility shall not exceed one and one-half (1.5) times the number of resident rooms.
- G. LICENSURE. Proof of licensure by the Ohio Department of Health shall be submitted to the Zoning Inspector.
- H. STAFFING. Applicant shall utilize on-site medical or nursing staff to assist in emergencies at the facility in order to reduce the number of emergency responses required by the Township or private emergency medical services.
- I. LIFE SAFETY REVIEW. The plans for the facility shall be reviewed by the Township Fire Department in order to show compliance with applicable Ohio Administrative Code sections and applicable building, fire and life safety laws, rules and regulations.
- J. OTHER REQUIREMENTS. The facility shall comply with all other zoning requirements imposed by the Resolution for the (C): General Commercial District.

For comparison purposes, relevant portions of zoning provisions from other northeast Ohio townships are attached hereto as **Schedule C**.

V. Rationale

Applicant submits that there are numerous bases for the proposed text amendments to be adopted:

-As reflected in the Chester Township Land Use Plan (rev. August, 2008) (p. III-3) and consistent with the U.S. population as a whole, the “over 65” demographic has exploded with the first wave of “baby boomers” reaching retirement age and will continue to grow, so the demand for Congregate Care Facilities will continue to grow as well.

-There is a moratorium on the number of skilled nursing beds in the State of Ohio and the number of licensed beds is increasingly shrinking while the demand for such beds continues to grow.

-Congregate Care Facilities serve as a compelling “transitional use” between residential and commercial uses;

-The Project will provide needed healthcare services to residents of the Township with little, if any, impact on local schools.

-The Chester Township Community Questionnaire Summary Report dated November 12, 2020, revised February 2, 2021 reflects the following:

-“Respondents felt strongly that the commercial district was unattractive, poorly maintained and full of vacancies” (p. 6) - Applicant’s Project favorably addresses all of these issues.

-There is support for retirement/independent living communities, assisted living facilities, and senior skilled nursing facilities. (p. 6)

-In ranking the importance of future considerations for Chester Township, “expanding senior living housing options in Chester” ranked second. (p. 19)

-Assisted living facilities and senior skilled nursing facilities scored competitively in response to Commercial District Development Options (p. 24)

-The Commercial District is the only district in the Township that has sanitary sewers, a critical service for Congregate Care Facilities.

-It should be noted that notwithstanding the language of Section 5.00.01.A recited above, the Township already has one existing assisted living facility (Amelia Grace, 7090 Wilson Mills Rd.), which (presumably) operates under a use variance contrary to the terms of the Zoning Resolution – the proposed amendment to Section 2.02.0 (adding the definitions of “Congregate Care Facility,” Nursing Home” and “Residential Care Facility) would permit this property to conform to Section 5.00.01.A.

While Article 3 of the Zoning Resolution does not contain any provisions relating to the criteria for reviewing text amendments, Applicant believes the proposed amendments are narrowly tailored to allow Congregate Care Facilities as a conditional use in the (C) General Commercial District and contain appropriate specific conditions applicable to such facilities. Applicant acknowledges that if the proposed amendments are adopted and/or modified and adopted by the Township in accordance with R. C. 519.12, it will still be required to submit an application for conditional zoning certificate to the Board of Zoning Appeals for consideration under Article 6 of the Zoning Resolution.

## VI. Conclusion

Applicant submits that its proposed text amendments to Sections 2.02.0 and 5.02.16 and the addition of new Section 6.07.04 allowing Congregate Care Facilities as a conditional use in the Commercial District would be a beneficial and favorable addition to the Zoning Resolution and allow a new and needed service to the Township. Applicant respectfully requests approval of the proposed text amendments.



**SCHEDULE A**  
**AUTHORIZATION LETTER**  
**(See attached)**

## **Caves Road, LLC**

18355 Bent Tree Lane  
Bainbridge Twp., OH 44023  
Phone: (440)543-7437  
E-mail: wrpllc@aol.com

April 18, 2022

Chester Township  
Zoning Commission  
12701 Chillicothe Road  
Chesterland, Ohio 44026

### **RE: Biltmore Health Care, LLC**

Dear Chester Township Zoning Commission:

This letter is being sent to inform you that Biltmore Health Care, LLC, a Delaware limited liability company ("Purchaser") has entered into a Real Estate Purchase Agreement dated May 7, 2021 ("Purchase Agreement") with Caves Road, LLC ("Seller") to purchase approximately 11.371 acres of vacant land near the intersection of Caves and Mayfield Roads in Chester Township known as Geauga County Parcel Numbers 11-199600 (9.41 acres), 11-389255 (0.22 acres) and 11-259900 (1.75 acres) (collectively, the "Property"). The primary parcel has a street address of 7895 Mayfield Road.

Caves Road, LLC hereby grants Biltmore Health Care, LLC permission to apply with and appear before the Chester Township Zoning Commission for a proposed Text Amendment to the zoning code regarding the intended use of the Property.

Please give me a call should you have any questions regarding this matter.

Sincerely,

*Thomas M. Basista*

Thomas M. Basista  
Manager

**SCHEDULE B**

**LEGAL DESCRIPTIONS**

(See attached)

## EXHIBIT "A"

### Parcel No. 1

Situated in the Township of Chester, County of Geauga and State of Ohio: and known as being part of Original Chester Township Lots Nos. 14 and 24 in Tract No. 3, and further described as follows: Beginning in the Southerly line of Mayfield Rd. 60 feet wide, at a point therein a distance of 125 feet Easterly, measured along said Southerly line from its intersection with the Easterly line of Caves Road, 60 feet wide, thence South  $84^{\circ} 38' 38''$  East along said Southerly line of Mayfield Road a distance of 570.71 feet, thence Southeasterly along the arc of a circle deflecting to the right a distance of 619.26 feet, said arc having a radius of 2267.01 feet and chord of 617.34 feet which bears South  $35^{\circ} 03' 43.7''$  East; thence North  $84^{\circ} 38' 38''$  West a distance of 1,095.38 feet to a point in the Easterly line of Caves Road; thence North  $5^{\circ} 17' 00''$  East along said Easterly line of Caves Road a distance of 313 feet to the Southwest corner of land of Station Development Corporation recorded in Volume 390, Page 211 Geauga County Records; thence South  $84^{\circ} 38' 38''$  East a distance of 125 feet; thence North  $5^{\circ} 17' 00''$  East a distance of 157 feet to the place of beginning, be the same more or less, but subject to all legal highways.

### Parcel No. 2

Situated in the County of Geauga in the State of Ohio and in the Township of Chester and known, bounded and described as follows: being part of Original Lot No. 24 of Tract 3 within said Township and further described as follows: Beginning in the center line of Mayfield Road (U.S. Route No. 322) and at the Northwesterly corner of land conveyed to Joseph Cavalier et al by deed recorded in Volume 263, Page 9 of Geauga County Records of Deeds; thence along the Southwesterly line of land conveyed to said Cavalier and along the Southwesterly line of land conveyed to Adelbert J. Haubrich, et al by deed recorded in Volume 218, Page 610 of Geauga County Records of Deeds, along a curved line deflecting to the right a distance of 250.0 feet; the said curved line having a radius of 2360.50 feet and a chord bearing South  $41^{\circ} 31' 28''$  East a distance of 249.88 feet; thence South  $34^{\circ} 43' 26''$  East 247.45 feet to a Northerly line of the said Haubrich land; thence North  $87^{\circ} 45'$  West along said Northerly line of Haubrich, 48.52 feet to an angle in the line of said land of Haubrich; thence along a Southwesterly line of said land of Haubrich along a curved line deflect to the right a distance of 228.42 feet; the said curved line having a radius of 2317.0 feet and a chord bearing South  $30^{\circ} 20' 55''$  East a distance of 228.28 feet to a point of tangency; thence continuing along the Southwesterly line of said land of Haubrich and then along a Southwesterly line of land conveyed to Peter Peterson, Jr. by deed recorded in Volume 206, Page 184 of Geauga County Records of Deeds, South  $27^{\circ} 31' 30''$  East 310.94 feet to the most southerly corner of the said Peterson land; thence South  $2^{\circ} 09' 30''$  West 100.96 feet to an angle in the Easterly line of land conveyed to Louise H. Ingalls by deed recorded in Volume 189, Page 213 of Geauga County Records of Deeds; thence along a Northeasterly line of said land of Ingalls, North  $27^{\circ} 31' 30''$  West 398.66 feet to point of curvature and then along a curved line deflecting to the left a distance of 776.01 feet to the center line of said Mayfield Road; said curved line having a radius of 2267.0 feet and a chord bearing North  $37^{\circ} 19' 56''$  West a distance of 772.35 feet; thence along said road center line South  $87^{\circ} 45'$  East 139.36 feet to the place of beginning. Containing 1.753 acres of land as described August 1956, Root and Pomeroy, Registered Surveyors, from map showing survey made October 1930, by Crabbs and Fullerton, Surveyors, be the same more or less, but subject to all legal highways.



**Parcel No. 3**

Situated in the Township of Chester, County of Geauga, and State of Ohio and known as being a part of Original Lot No. 24 in Tract No. 3 of the Eight Township in the Ninth Range of the Connecticut Western Reserve and further known as being a part of vacated Caves Road as recorded in Volume 37, Page 110 of the Geauga County Plat Records, and is bounded and described as follows:

Beginning in the easterly line of said vacated Caves Road at the southwesterly corner of land conveyed to Michael H. Marino by instrument dated January 29, 1999 and recorded in Volume 1214, Page 465 of the Geauga County Official Records;

**COURSE I** Thence South  $0^{\circ}00'51''$  East along said easterly line of vacated Caves Road 312.97 feet to the northwesterly corner of Sublot No. 1 in Chester Estates Subdivision No. 1 as shown by plat recorded in Volume 7, Page 32 of Geauga County Plat Records;

**COURSE II** Thence North  $89^{\circ}56'29''$  West along the westerly prolongation of the northerly line of said Sublot No. 1 a distance of 30.00 feet to a point on the centerline of vacated Caves Road as shown on said plat;

**COURSE III** Thence North  $0^{\circ}00'51''$  West along said centerline of vacated Caves Road a distance of 313.00 feet to a point on the westerly prolongation of the northerly line of said land of Marino;

**COURSE IV** Thence South  $89^{\circ}53'29''$  East along said westerly prolongation of the northerly line of land of said Marino a distance of 30.00 feet to the point of beginning and containing 0.216 of an acre of land as calculated and described in July, 2004 by Clyde C. Hadden, Ohio Professional Surveyor NO. 7791 of CT Consultants, Inc.

Bearings contained herein are based upon those shown on said Alteration Plat for the Dedication and Vacation of Portions of Caves Road.

**SCHEDULE C**

**SAMPLE PROVISIONS FROM OTHER TOWNSHIPS**

(See attached)



**SUPPLEMENT TO APPLICATION FOR ZONING AMENDMENT TO  
THE CHESTER TOWNSHIP ZONING RESOLUTION**

April 22, 2022

**I. The Property**

Caves Road, LLC, an Ohio limited liability company ("Applicant"), is the owner of three parcels of vacant land comprising a total of 11.371 acres located on the south side of Mayfield Road east of the intersection with Caves Road. The property consists of Geauga County Parcel Nos. 11-199600 (9.41 acres), 11-389255 (.22 acres), and 11-259900 (1.75 acres) (collectively, the "Property"), which Applicant proposes to consolidate. The primary parcel (11-199600) has a street address of 7895 Mayfield Road. Applicant has entered into a Real Estate Purchase Agreement dated May 7, 2021 (the "Purchase Agreement") to sell the Property to Biltmore Health Care, LLC, a Delaware limited liability company ("Biltmore"), or its nominee, upon the terms and conditions set forth therein. The Purchase Agreement authorizes Biltmore, in the name of Applicant, to pursue the proposed text amendment as a condition of closing of the purchase/sale of the Property. An authorization letter confirming this authority is attached hereto as **Schedule A**. The legal descriptions of the Property are attached hereto as **Schedule B**. The Property is served by existing sanitary sewers (as evidenced by the Northeast Ohio 208 Water Quality Management Plan) along Mayfield Road and all assessments have been paid. Water will be provided via one or more wells to be located on the Property.

**II. The Project**

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The Facility will be constructed and licensed in accordance with all applicable licensure standards of the Ohio Department of Health ("ODH"), will be Medicare and Medicaid certified, and will be surveyed annually by ODH, as required. In addition to serving its resident population, the Facility may also provide limited outpatient therapies (i.e. physical, occupational and speech). Applicant anticipates filing one or more Certificate of Need ("CON") applications with ODH seeking to transfer the operating rights to the required skilled nursing beds to this location. Residents will include short term rehabilitation patients as well as long-term care patients.

Applicant intends to lease the Facility to a licensed operator pursuant to a long-term lease (typically 10-15 years with multiple five-year renewals). Applicant has had preliminary discussions with several prospective operators interested in leasing the Facility.



### III. Current Zoning

The Property is located in the (C): General Commercial District. As currently drafted, Section 5.02 of the Chester Township Zoning Resolution (Effective Date: January 14, 2021) (the "Zoning Resolution") does not permit nursing homes, assisted living facilities or other similar uses in the C District, either as a matter of right or conditionally (See Sections 5.02.01 and 5.02.16, respectively). In fact, the Zoning Resolution does not define or reference nursing homes, assisted living or residential care facilities, congregate care facilities or similar uses whatsoever. Section 5.00.01.A provides that **"Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article 3."**

Based on the forgoing, and pursuant to Article 3 of the Zoning Resolution, Applicant seeks to amend the text of the Zoning Resolution as follows: (i) to amend Section 2.02.0 to add definitions of "Congregate Care Facility," "Nursing Home" and "Residential Care Facility;" (ii) to amend Section 5.02.16 to add "Congregate Care Facility" as a conditional use; and (iii) to add new Section 6.07.04 describing the specific conditions applicable to Congregate Care Facilities in the (C) General Commercial District. **APPLICANT IS NOT SEEKING TO REZONE OR REDISTRIBUTE THE PROPERTY.**

### IV. Proposed Text Amendments

Applicant proposes as follows:

#### A. Proposed Amendment to Section 2.02.0 (WORDS AND TERMS DEFINED)

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-Insert the following new defined term after the definition of "Nonconforming Use" and before the definition of "Open Space:"

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- B. Proposed Amendment to Section 5.02.16 (CONDITIONAL BUILDINGS, STRUCTURES AND USES)

-Insert the following as new subsection “D”:

D. Congregate Care Facility

- C. Proposed Addition of New Section 6.07.04 (CONGREGATE CARE FACILITIES)

-Insert the following as new Section 6.07.04:

**6.07.04 CONGREGATE CARE FACILITIES.** Subject to the provisions of Article 6, Congregate Care Facilities may be permitted by the board of zoning appeals as a conditional use in the General Commercial District, with the following conditions:

- A. **MINIMUM LOT AREA.** The minimum lot size for a Congregate Care Facility shall be ten (10) acres.
- B. **SEWERS.** The facility shall be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot or lots included for sewer service in accordance with the currently Northeast Ohio 208 Water Quality Management Plan and Geauga County/Chester Township Plan for Wastewater Treatment.
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- E. **LIGHTING.** Applicant shall submit a proposed lighting plan that reduces, to the extent reasonably feasible, light leaving the site while still adequately illuminating the site.

- F. NUMBER OF BEDS. The number of resident beds in the facility shall not exceed one and one-half (1.5) times the number of resident rooms.
- G. LICENSURE. Proof of licensure by the Ohio Department of Health shall be submitted to the Zoning Inspector.
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For comparison purposes, relevant portions of zoning provisions from other northeast Ohio townships are attached hereto as **Schedule C**.

V. Rationale

Applicant submits that there are numerous bases for the proposed text amendments to be adopted:

-As reflected in the Chester Township Land Use Plan (rev. August, 2008) (p. III-3) and consistent with the U.S. population as a whole, the “over 65” demographic has exploded with the first wave of “baby boomers” reaching retirement age and will continue to grow, so the demand for Congregate Care Facilities will continue to grow as well.

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-“Respondents felt strongly that the commercial district was unattractive, poorly maintained and full of vacancies” (p. 6) - Applicant’s Project favorably addresses all of these issues.

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-The Commercial District is the only district in the Township that has sanitary sewers, a critical service for Congregate Care Facilities.

-It should be noted that notwithstanding the language of Section 5.00.01.A recited above, the Township already has one existing assisted living facility (Amelia Grace, 7090 Wilson Mills Rd.), which (presumably) operates under a use variance contrary to the terms of the Zoning Resolution – the proposed amendment to Section 2.02.0 (adding the definitions of “Congregate Care Facility,” Nursing Home” and “Residential Care Facility) would permit this property to conform to Section 5.00.01.A.

While Article 3 of the Zoning Resolution does not contain any provisions relating to the criteria for reviewing text amendments, Applicant believes the proposed amendments are narrowly tailored to allow Congregate Care Facilities as a conditional use in the (C) General Commercial District and contain appropriate specific conditions applicable to such facilities. Applicant acknowledges that if the proposed amendments are adopted and/or modified and adopted by the Township in accordance with R. C. 519.12, it will still be required to submit an application for conditional zoning certificate to the Board of Zoning Appeals for consideration under Article 6 of the Zoning Resolution.

## VI. Conclusion

Applicant submits that its proposed text amendments to Sections 2.02.0 and 5.02.16 and the addition of new Section 6.07.04 allowing Congregate Care Facilities as a conditional use in the Commercial District would be a beneficial and favorable addition to the Zoning Resolution and allow a new and needed service to the Township. Applicant respectfully requests approval of the proposed text amendments.

**SCHEDULE A**  
**AUTHORIZATION LETTER**  
(See attached)



## **Caves Road, LLC**

18355 Bent Tree Lane  
Bainbridge Twp., OH 44023  
Phone: (440)543-7437  
E-mail: wrpllc@aol.com

April 18, 2022

Chester Township  
Zoning Commission  
12701 Chillicothe Road  
Chesterland, Ohio 44026

### **RE: Biltmore Health Care, LLC**

Dear Chester Township Zoning Commission:

This letter is being sent to inform you that Biltmore Health Care, LLC, a Delaware limited liability company ("Purchaser") has entered into a Real Estate Purchase Agreement dated May 7, 2021 ("Purchase Agreement") with Caves Road, LLC ("Seller") to purchase approximately 11.371 acres of vacant land near the intersection of Caves and Mayfield Roads in Chester Township known as Geauga County Parcel Numbers 11-199600 (9.41 acres), 11-389255 (0.22 acres) and 11-259900 (1.75 acres) (collectively, the "Property"). The primary parcel has a street address of 7895 Mayfield Road.

Caves Road, LLC hereby grants Biltmore Health Care, LLC permission to apply with and appear before the Chester Township Zoning Commission for a proposed Text Amendment to the zoning code regarding the intended use of the Property.

Please give me a call should you have any questions regarding this matter.

Sincerely,

*Thomas M. Basista*

Thomas M. Basista  
Manager

**SCHEDULE B**

**LEGAL DESCRIPTIONS**

(See attached)

## EXHIBIT "A"

### Parcel No. 1

Situated in the Township of Chester, County of Geauga and State of Ohio: and known as being part of Original Chester Township Lots Nos. 14 and 24 in Tract No. 3, and further described as follows: Beginning in the Southerly line of Mayfield Rd. 60 feet wide, at a point therein a distance of 125 feet Easterly, measured along said Southerly line from its intersection with the Easterly line of Caves Road, 60 feet wide, thence South  $84^{\circ} 38' 38''$  East along said Southerly line of Mayfield Road a distance of 570.71 feet, thence Southeasterly along the arc of a circle deflecting to the right a distance of 619.26 feet, said arc having a radius of 2267.01 feet and chord of 617.34 feet which bears South  $35^{\circ} 03' 43.7''$  East; thence North  $84^{\circ} 38' 38''$  West a distance of 1,095.38 feet to a point in the Easterly line of Caves Road; thence North  $5^{\circ} 17' 00''$  East along said Easterly line of Caves Road a distance of 313 feet to the Southwest corner of land of Station Development Corporation recorded in Volume 390, Page 211 Geauga County Records; thence South  $84^{\circ} 38' 38''$  East a distance of 125 feet; thence North  $5^{\circ} 17' 00''$  East a distance of 157 feet to the place of beginning, be the same more or less, but subject to all legal highways.

### Parcel No. 2

Situated in the County of Geauga in the State of Ohio and in the Township of Chester and known, bounded and described as follows: being part of Original Lot No. 24 of Tract 3 within said Township and further described as follows: Beginning in the center line of Mayfield Road (U.S. Route No. 322) and at the Northwesterly corner of land conveyed to Joseph Cavalier et al by deed recorded in Volume 263, Page 9 of Geauga County Records of Deeds; thence along the Southwesterly line of land conveyed to said Cavalier and along the Southwesterly line of land conveyed to Adelbert J. Haubrich, et al by deed recorded in Volume 218, Page 610 of Geauga County Records of Deeds, along a curved line deflecting to the right a distance of 250.0 feet; the said curved line having a radius of 2360.50 feet and a chord bearing South  $41^{\circ} 31' 28''$  East a distance of 249.88 feet; thence South  $34^{\circ} 43' 26''$  East 247.45 feet to a Northerly line of the said Haubrich land; thence North  $87^{\circ} 45'$  West along said Northerly line of Haubrich, 48.52 feet to an angle in the line of said land of Haubrich; thence along a Southwesterly line of said land of Haubrich along a curved line deflect to the right a distance of 228.42 feet; the said curved line having a radius of 2317.0 feet and a chord bearing South  $30^{\circ} 20' 55''$  East a distance of 228.28 feet to a point of tangency; thence continuing along the Southwesterly line of said land of Haubrich and then along a Southwesterly line of land conveyed to Peter Peterson, Jr. by deed recorded in Volume 206, Page 184 of Geauga County Records of Deeds, South  $27^{\circ} 31' 30''$  East 310.94 feet to the most southerly corner of the said Peterson land; thence South  $2^{\circ} 09' 30''$  West 100.96 feet to an angle in the Easterly line of land conveyed to Louise H. Ingalls by deed recorded in Volume 189, Page 213 of Geauga County Records of Deeds; thence along a Northeasterly line of said land of Ingalls, North  $27^{\circ} 31' 30''$  West 398.66 feet to point of curvature and then along a curved line deflecting to the left a distance of 776.01 feet to the center line of said Mayfield Road; said curved line having a radius of 2267.0 feet and a chord bearing North  $37^{\circ} 19' 56''$  West a distance of 772.35 feet; thence along said road center line South  $87^{\circ} 45'$  East 139.36 feet to the place of beginning. Containing 1.753 acres of land as described August 1956, Root and Pomeroy, Registered Surveyors, from map showing survey made October 1930, by Crabbs and Fullerton, Surveyors, be the same more or less, but subject to all legal highways.

**Parcel No. 3**

Situated in the Township of Chester, County of Geauga, and State of Ohio and known as being a part of Original Lot No. 24 in Tract No. 3 of the Eight Township in the Ninth Range of the Connecticut Western Reserve and further known as being a part of vacated Caves Road as recorded in Volume 37, Page 110 of the Geauga County Plat Records, and is bounded and described as follows:

Beginning in the easterly line of said vacated Caves Road at the southwesterly corner of land conveyed to Michael H. Marino by instrument dated January 29, 1999 and recorded in Volume 1214, Page 465 of the Geauga County Official Records;

**COURSE I** Thence South 0°00'51" East along said easterly line of vacated Caves Road 312.97 feet to the northwesterly corner of Sublot No. 1 in Chester Estates Subdivision No. 1 as shown by plat recorded in Volume 7, Page 32 of Geauga County Plat Records;

**COURSE II** Thence North 89°56'29" West along the westerly prolongation of the northerly line of said Sublot No. 1 a distance of 30.00 feet to a point on the centerline of vacated Caves Road as shown on said plat;

**COURSE III** Thence North 0°00'51" West along said centerline of vacated Caves Road a distance of 313.00 feet to a point on the westerly prolongation of the northerly line of said land of Marino;

**COURSE IV** Thence South 89°53'29" East along said westerly prolongation of the northerly line of land of said Marino a distance of 30.00 feet to the point of beginning and containing 0.216 of an acre of land as calculated and described in July, 2004 by Clyde C. Hadden, Ohio Professional Surveyor NO. 7791 of CT Consultants, Inc.

Bearings contained herein are based upon those shown on said Alteration Plat for the Dedication and Vacation of Portions of Caves Road.



**Geauga County Planning Commission**  
470 Center Street, Building 1C, Chardon, Ohio 44024  
Phone (440) 279-1740 Fax (440) 285-7069  
[www.co.geauga.oh.us/Departments/Planning-Commission](http://www.co.geauga.oh.us/Departments/Planning-Commission)

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**MEMORANDUM**

DATE: June 7, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Resignation, Commission member Nick Gorris, Agenda Item 8A

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Please see the attached June 6 email correspondence from Commission member Nick Gorris regarding his resignation.

The County Commissioners Office was copied on the email so they are aware of it. I would recommend the Planning Commission request that the BOCC fill the vacant position as soon possible, based upon any required notice requirements, in order to maintain a full eleven (11) member board.

c: file



**From:** [Nick Gorris](#)  
**To:** [Blair, Christine](#); [Crombie, Linda](#)  
**Subject:** Planning Commission Appointment  
**Date:** Monday, June 6, 2022 8:31:11 AM

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Please consider this my letter of resignation from the planning commission

I have appreciated the opportunity and the experience.

Thank you

Nick Gorris

Jeremiah 29:11