

Chester Township Zoning Commission Meeting Minutes

| Wednesday, July 13, 2022 7:00 PM |

West Geauga Middle School Cafeteria

Meeting Called to Order by Mr. Oswick at: 7:00 pm

Roll Call

Members present: Mr. Chess, Mr. Kats, Mr. Lauro, Mr. Nastasi, Mr. Oswick, Mr. Peto

Members absent:

Admin present: Ms. McCarthy

Pledge of Allegiance

Mr. Oswick led the Committee in reciting the Pledge of Allegiance.

Mr. Oswick welcomed the audience. He reviewed how everyone will speak and how it will be handled. Turned meeting over to Lorrie Saas-Benza.

Ms. Benza gave an overview of the process for proposing a text amendment. That presentation is attached as Attachment A. She introduced the Zoning Commission members and introduced the process/procedure for the Public Hearing. She also reviewed the process that occurs once the Public Hearing is closed.

Ms. Benza then reviewed the highlights of the proposed amendment, ZC-2022-3, Congregate Care. We are considering a text amendment to the Zoning Resolution. If approved, it would add three items to the Conditional Use list in Chester Townships "C" – General Commercial District. Those are for Congregate Care Facilities, Nursing Homes and Residential Care Facilities. A Conditional use can only be heard and decided by the Township's Board of Zoning Appeals at a hearing.

Ms. Benza detailed the rules of sharing Public Comments. Each person addressing the Commission may have two minutes to share. Once everyone has had a chance to speak, persons may get back in line and present for another two minutes. Those speaking are asked to state their name (with spelling) and address.

Mr. Nastasi introduced himself as the Vice-Chair of the Zoning Commission and began to read through the proposed amendment aloud. The proposed amendment was accepted on May 4, 2022. The proposed amendment was submitted to the Geauga County Planning Commission. The Geauga County Planning Commission letter of June 14, 2022 recommending denial of the proposed amendment was read aloud and is attached as Attachment B.

The proposed amendment was displayed for audience members to review and is attached as Attachment C. The three definitions that would be added, Congregate Care Facility, Nursing Home and Residential Care Facility were read aloud along with the addition of Section 6.07.04 Congregate Care Facilities.

Mr. Nastasi added that this could go before the Board of Zoning Appeals. The BZA has the option to implement additional conditions on top of what is in the Chester Twp. Zoning Resolution. The entire additional section of 6.07.04 was read aloud. Mr. Nastasi invited the applicant to give an overview of the application.

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Mr. David Mitchell, 30050 Chagrin Blvd., Suite 100, Pepper Pike, OH. Clarified the addition of 5.02.16 added as a conditional use of "D. Congregate Care Facility.", to the original application.

Mr. Mitchell, attorney representing and member of Biltmore Health Care. Biltmore Health Care is authorized to represent Caves Rd. LLC who is a property owner in Chester Twp. in connection with it's application for a Zoning Amendment to the Chester Twp. Zoning Resolution. The amendment would permit the development of a Congregate Care facility on property that it owns on the corner of Caves Rd and Mayfield.

The proposed amendment is a text amendment as opposed to a map amendment so it does not seek to impact just one property. This would impact the entire General "C" Commercial District. The applicant is not seeking to rezone any particular piece of property. It is simply seeking to create a category of uses not currently found in the Zoning Resolution. It also wants to permit such uses in the General Commercial district as conditional uses subject to certain special conditions.

If the proposed amendment is approved, the applicant would seek to construct its new facility on property that it owns near the corner of Caves Rd and Mayfield. That property is depicted on the attached survey as Exhibit H.

Who is Biltmore and why are they involved in this? Biltmore is the acquisition and entitlement arm of a small group of core investors, all from Cleveland, who own nursing homes. Some of those investors also operate nursing homes. Biltmore is also the purchaser, under a real estate purchase agreement with Caves Rd. LLC. That agreement is conditioned upon obtaining zoning approval for the proposed nursing home. If no approval is granted, Biltmore is not obligated to buy the property.

Biltmore has developed facilities in Hudson, Highland Hts., Brunswick, two facilities in Mentor, Tallmadge and Brimfield/Kent. Other facilities are currently under construction. When we filed the original application, we also filed a supplement that we thought was enough authorizing an individual to act on behalf of Biltmore. We subsequently added the name Mr. Basista as a signature on the original application.

The original application did not use just the Nursing Home definition. That was a mistake using the other two definitions of Congregate Care and Residential Treatment Center. Section 5.00.01 entitled prohibited uses. Any use not specifically listed in this resolution shall not be permitted nor shall any zoning certificate be issued unless a zoning amendment providing for such use has been adopted and is in effect. We were trying to comply with that provision.

The Township already has a residential care facility in existence. Amelia Grace on Wilson Mills Rd.

We have heard many objections from the community. Some of them are well taken and we are addressing those concerns. We have listened and we are prepared to accept various modifications to the amendment. We have taken into account the detailed report prepared by Linda Crombie, the Planning Director of the Geauga County Planning Commission. The GCPC director, Linda Crombie suggested these accommodations:

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- Limiting the use to just “nursing homes”. Suggest removing the definitions of Congregate Care and Residential Care. We are prepared to do that.
- Clarify the definition of “nursing home” so it corresponds to ORC definition. We are prepared to do that.
- Provide additional guidance in the way of special petitions. We are prepared to do that.

Mr. Mitchell then supplied proposed modifications to the proposed application. (Attached as Modifications to Amended Sections in attached folder-Dave Mitchell packet 071322).

Below issues were addressed. Submitted the following documents in response

Traffic – Attached TMS Engineers 051722

Sewers – Availability of capacity is supported by Geauga County Dept of Water Resources. Attached emails of 060922 and 061022 from Geauga Cty Sewer. Water – Ayers Well Drilling document of 052422 and HZQ Environmental letter of 070122.

Soil – Wertz Geotechnical Engineering study documentation of 060822.

Wetlands – All studies show that location of wetlands are on the east side of the property. The building will be built on the west side of the property. Dept of Army Aquatic Resource 022522.

Mr. Nastasi pointed out that information being provided is irrelevant to the text amendment and asked Mr. Mitchell to wrap it up in next couple of minutes which he did.

Public Comment and Questions

Persons in support of the amendment:

Linda Roman – Thank you Biltmore for additional info given. Urged Trustees to study bigger picture further. Time to look at all living arrangements for aging population. Please consider this application.

Ralph Delligatti – Tighten up definitions. Could this also be a facility for memory care and/or substance abusers?

Persons not in support of the amendment:

Anthony Seferro – Parent company is registered in state of Delaware. Delaware known for lenient corporate taxes. Biltmore in it for profit.

Kelly Baeslach – 40 nursing homes within 10 miles of where we are. We don't pay income taxes, we pay taxes off property. Amelia Grace had 43 calls in 2021 for 16 beds. 2.6/resident. Cited nursing homes closing.

Jonathan Broadbent – Unforeseen circumstances. Implications of changes to code is alarming as to what could happen if this amendment is accepted.

Carol Byler – Persons in nursing homes receive horrendous care. Concerns about staffing.

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Bev Horvath – Staffing of nursing homes is experiencing severe staffing shortage. Petition regarding Carolyn's Law. (Flyer attached to minutes.)

Michael Rooks – Geologist living in backyard of proposed home. There is not enough water! My well, 50 ft of property. This will deplete the aquifer.

Cindy Valentine – Staffing will be an issue.

Sharon Chiang – No one wants to live in a nursing home.

Christopher Scurec – Worried about water. Why would any change to Zoning be done?

William Shaw – 23 – 26% increase in calls to Fire Dept based on numbers given by Mr. Mitchell. Impact is also on mutual aid calls from Munson and Russell Twp. Medical staff – not prepared for medical emergencies. Heart attacks and breathing issues can only be addressed by EMT's.

James Grendell – for Daniel Fortney – Asked for text amendment on website of items asked for today by Mr. Mitchell.

Carrie Roman – Staffing will be an issue.

Cathy Cotman – Submitted 9-page document which is attached to minutes. BoT do not have authority to authorize change to Zoning per 519.02 of ORC. Not in synch with Land Use Plan.

Jeannine Haines – Parents had to pay for sewer plant which was built because of strip plaza on Mayfield Rd.

Barbara Schmidt – Laws in zoning should not be changed. If we change for one, we have to change for anybody else. Wants to leave her home in a rural township.

Julianne Gurish – Something special here and it shouldn't be changed.

Anita Zurcher – People want to live here. This will affect traffic. Concerned about Griswold Creek.

Janet Kramarz – This will impact fire and police. Quit spending money on attorneys so we can afford to live in our own homes. We do not need this or to change our zoning. Deny this.

Jamie Saric – Mentioned people's names and suggested Google to search on their names.

Josie Broveck – Lives near Amelia Grace and surprised only 41 calls for EMT during year. Parking lot will affect soil and water.

Paula Gaia – 11,000 excess nursing home beds in Ohio per Ohio Dept of Health. This changes the entire Commercial district.

Amber Slane – Are you required by law to do all of this?

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Ms. Lorrie Benz – Yes, they are required to go through the process.

Edward Shannon – We have laws and why do they want to change laws?

Lisa Smith – Mr. Mitchell has threatened law suit. We have to look at the Land Use Plan. We should consider the Community Survey that was recently done.

Mary Beth Brockway – Want denial. Concerns: Water, traffic, septic and possibly a bus line in the future. Vote no on amendment.

Joyce Marince – What is in our Zoning Resolution that may be addressed that the attorney referred to? Do we need to fix that? Concerned about water, sewer and septic.

Anthony Fatica – Board serves residents of Chester Twp. How does this benefit the residents of Chester Township? Numbers used by Ayers Well are not dependable or verifiable.

Nancy Dale – Concerned about water, sewage, services and traffic.

Cindy Valentine – Why no one speaking from police dept? Drug deals from parking lot possible. This will affect the police department.

Diane Olson – Police were called every day at nursing home she used to work at. How many pills flushed down toilets and end up in septic and water? Biggest complaint is feeding people in facilities.

Cathy Cotman – Not in accordance with Land Use Plan. Current plan divides township into separate districts. Land use: Low density, shopping, commercial and industrial. Proposal allows intermixing into our township. Allows high density housing where township wants low density housing.

Anthony Zaffiro – We have no idea what we are voting on.

Michael Rooks – Concerns about lighting and the night sky of town.

Mr. Alan Weinstein, Professor Emeritus of Law/Urban Planning addressed some of the comments. Addressed no site-specific issues as that is not what is in front of the Zoning Commission today. Likewise, nursing homes will not be addressed. In my experience, prohibited unless permitted in township zoning is fairly common. Agree with Mr. Grendell that modifications presented tonight by Mr. Mitchell are not under consideration tonight. Disagrees with Ms. Cotman about Land Use Plan. The Ohio Supreme Court has ruled no separate comprehensive plan is required. Comment regarding, "Change for one, you change for all" is not so. Under ORC, a property owner has the right to initiate an amendment. The Zoning Commission has to hear the process.

Additional comments:

Nancy Dale – Asked Zoning Committee if they could give their stance now?

Mr. Nastasi replied, once the Public Hearing is closed, we will begin deliberating on that.

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Anita Zurcher – Are the Zoning Commission members and the Board of Trustees going to take the opinions of all who presented to heart when you make your decisions?

There being no further comments, Mr. Nastasi asked for a motion to close the public hearing.

Mr. Chess made a motion to close the Public Hearing; Mr. Kats seconded it.

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/yes; Mr. Oswick/yes

Motion passed

Mr. Nastasi thanked all that came out tonight and also thanked the applicant for coming out tonight. He then began the open discussion amongst the Zoning Commission members.

Correspondence was received on July 7, 2022 from Mr. Mitchell eluding to changes they were willing to make. Mr. Nastasi clarified that the Board was only going to focus on the original amendment and not those changes.

Mr. Nastasi appreciated the fact that the applicant is willing to make adjustments, but wanted to focus his comments on the original application. The original application was somewhat ambiguous which was concerning. I would recommend removing Congregate Care as a definition. The Nursing Home definition should align with the ORC directly. Residential Care definition should be removed. As for list of conditions, this is where I struggled with the proposed amendment. The applicant submitted information on Zoning Resolution of Bainbridge Twp. Bainbridge Twp. has 26 or 27 items listed as conditions for nursing homes. This proposal had about 10. I feel the proposal is lacking in conditions. The minimal lot size of 10 acres. Currently there are only two properties within the Commercial area that this could be done on. The fact that the applicant is looking at large parcels would not be fair for conditions of other proposals down the road. Number of beds – 1.5 rooms/acre which is standard. Ms. Benza corrected the statement to be the number of beds is 1.5 times the number of rooms and Mr. Nastasi agreed. If this were to be considered, will that become a way of measuring lot coverage? For example, the current measurement in Commercial is 60% lot coverage. That would limit the size of any sort of structure in the Commercial district. Certificate of need should be included as a condition. I would also recommend inserting a condition, the applicant must provide a detailed report for water consumption documenting the ability of the water table to sustain.

Mr. Mitchell brought up some good points for this site. I believe a traffic study wouldn't be merited for this site, but maybe down the road another site may warrant a traffic study. There should be a condition for a traffic study to be added. I would also insert a condition to insure the Township Fire Dept. has adequate capabilities to fight fires on site.

The way I look at this is, this site is in the Commercial district. This site could be developed as another strip mall. This use could be very different on the police and fire than most other commercial buildings would be. I think this condition should be added.

As far as conditional uses provided by Mr. Mitchell, I would also add that 3-dimensional renderings should be added so the Board of Zoning Appeals has the ability to see what these would look like. Another condition, not in there is screening. We have screening in our Zoning Resolution, but for instance, headlights leaving the facility may affect the adjoining properties. I would suggest "enhanced" screening be specified.

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I looked at Bainbridge and it specifically said, if application for a conditional use certificate for a nursing home is granted, and a certificate of need that may be required from the State of Ohio cannot be obtained after notice of application, the Zoning Inspector may revoke a conditional use certificate issued for the nursing home. I thought that was very well written and certainly something worth having in there.

We heard a lot about Fire and EMS. That condition should also be required. Including the demand placed on Fire and EMS including the actions the applicant would take to address that demand if needed.

Finally, one of the rationales for this use is it is considered a good transitional use from a Residential district into a Commercial district. I tend to agree from a planning perspective, that's a good use. That being said, the way it is written now, it could be allowed in the entire Commercial district. So, is there a way that it could be written only in a transitional zone and of course on a main corridor from a residential to a commercial district?

If we make it more restrictive in it's location, is that more desirable?

Mr. Chess looked at how this community works. Basically, the Board of Zoning Appeals (BZA) if they have an issue, and the case before them gets denied because of what is in the Zoning Resolution, the BZA will come to us and say, can you look at all the regulations and do some studies? In our research we look at other townships, types of uses. We try to tweak whatever it is or bring it up a little bit. The prosecuting attorney takes a look at things and makes recommendations. Things can take us 6 months and up to two years. I look at something as important as this and first of all, I don't even see a preliminary plan. I'm asked to vote on this without putting any time into this. It's just a short fuse and that's my opinion.

Mr. Lauro said that Mr. Nastasi raised many good points. My list would be more requirements and thought be put into the staffing. Particularly, quantity of staff, qualifications of staff and how they would address emergency situations coverage being 24/7, 365. How would they alleviate or help our emergency services and how that would be implemented if something like this were to go into place. The lighting requirement for something like this would need to be detailed and how surrounding properties would be affected. Hours of operation, light safety, things like that. Again, thanked everyone for coming out. Recognize that the Board approached this much the same way many of those in the audience approached this.

Mr. Nastasi commented on the lighting. We were going to stick with the current lighting regulations currently in the Zoning Resolution. Concern over this type of facility requiring anything additional regulation.

Mr. Lauro, it likely would because it is 24/7 and there are other requirements for safety.

Mr. Nastasi, that would make sense to keep that condition then.

Mr. Nastasi asked if there were any other comments from the Board. He went on to say, this proposal is probably one of the more substantial amendments this Board has seen. As we look at this information, as we go through all these conditions, I think personally there is a lot of work that needs to go into this. I feel if a facility of this nature were to be approved by the Board of Trustees and the Board of Zoning Appeals, we have way more conditions on it. I

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think there is just too much to really modify. I would make the recommendation at this point for denial.

Mr. Lauro agreed with Mr. Nastasi as well and suggested making a formal motion.

Mr. Nastasi made a motion that the Chester Township Zoning Commission recommend denial of the proposed amendment, ZC-2022-3, to the Chester Township Zoning Resolution, as attached hereto. Mr. Lauro seconded the motion.

Mr. Chess/yes; Mr. Lauro/yes; Mr. Nastasi/yes; Mr. Kats/yes; Mr. Oswick/yes
Motion passed.

Forms #31 and #32 were signed.

Ms. Benza reminded the audience that “Chunk Two” was just completed. Basically, we do this whole procedure all over again with a Public Hearing so the recommendation from the Zoning Commission will be presented to the Chester Township Board of Trustees. They will schedule another Public Hearing, very similar to this. Notice of the day, time and location will have to be run in a newspaper of general circulation in the Township. Then the application will have to be made available to the public at the Town Hall for at least 10 days before the Public Hearing is held. There are still some legal requirements as far as the time restrictions go before we get to the Public Hearing that encompasses “Chunk Three”. Any questions?

Cathy Cotman asked that the amount of time allotted for anyone wishing to speak at the Board of Trustees Public Hearing be published ahead of time. Ms. Benza agreed to encourage the Board of Trustees to do so.

Form 31 and 32 were signed by the Zoning Commission Board members.

Meeting Called to Close at: 9:55 pm by Mr. Oswick

Approved by:

Chester Township Zoning Commission August 8, 2022

Final Review by: _____
Jon Oswick, Chair

Lorrie - Introduction for ZC meeting on 7/13/22

Meeting is for the consideration of a proposed amendment to the Chester Twp Zoning Resolution. It is offered as a text amendment that if, adopted, would add congregate care facilities as a conditionally permitted use to the C General Commercial District in the township.

PROCESS OVERVIEW:

When there is a proposal to amend a township Zoning Resolution, whether to change the wording or to change the zoning designation of properties, there are 3 ‘chunks’ of review, discussion and action by public bodies pursuant to Ohio Revised Code §519.12.

Chunk I - the proposed amendment is submitted to the Geauga waCounty Planning Commission. At a public meeting (which is different from a public hearing) of the County Planning Commission, the Commission reviews and discusses the proposal, and then gives a recommendation to the township. That recommendation can be to approve, deny, or approve with modifications.

Chunk I occurred at the Geauga County Planning Commission meeting on June 14th. The Planning Commission’s recommendation, sent by letter dated June 14th, was for denial, and there were no additional comments or suggestions.

Chunk II - a public hearing is held by the township Zoning Commission. At this public hearing, the Zoning Commission must consider the recommendation from the county Planning Commission, but they are not bound by it.

The ZC will solicit comments from the public on the proposed amendment. When the ZC closes the public hearing, (which means no more public comment can be offered) the members hold discussions and will make a recommendation to the township Board of Trustees. That recommendation can be to approve, deny, or approve with modifications.

Chunk III - we do it all again, but this time at the BOT level.

A public hearing is held by the township Board of Trustees. At this public hearing, the trustees consider the recommendations from the county Planning Commission, as well as the ZC, but again, they are not bound by them.

The BOT will similarly solicit comments from the public regarding the proposed amendment. When the BOT closes the public hearing, (again - this means no more public comment can be offered) the members hold discussions, and they will make a decision on the proposed amendment. They can approve it, deny it, or approve it with modifications.

If the BOT decides to approve the zoning amendment, or approve the amendment with some modifications, their decision becomes effective 30 days after it's made by the BOT. During those 30 days, if residents are opposed to the BOT decision, they may circulate a petition for a referendum, meaning to refer the question to the voters in the township and have the issue placed on the ballot at an election. There are requirements and details for that process that are beyond the scope of this meeting tonight.

THIS IS CHUNK II OF THE ZONING AMENDMENT PROCESS

The Zoning Commission consists of 5 regular members and up to two alternates, Chester has 1 alternate, who are appointed by the township trustees. Your Zoning Commission Officials are:

Chairman Jonathan Oswick,
Vice-Chairman Anthony Nastasi
Members - Andrew Chess
Michael Lauro
Sergey Kats
Alternate Anthony Peto

The ZC will run the public hearing:

- They will summarize the proposed amendment,
- They will ask the applicant for any additional details or information that may need further explanation or expansion,
- They will ask questions they, the commission members have. I would urge you all to listen to the questions and answers during this part of the hearing, because some of your comments may be addressed during this portion.
- When that is complete, they will call for comments from the public in support of the amendment,
- Finally comments in opposition to the amendment
- The ZC will close the public hearing, discuss amongst themselves, and then render their decision on a *recommendation* to the BOT. That recommendation may be rendered this evening, or if the ZC needs additional time, it may be rendered at a future public meeting.

WHAT ARE WE DISCUSSING?

What is this?

- This is a public hearing to consider a TEXT amendment to the zoning resolution
- If ultimately approved, it would add 3 items to the conditional uses in the township's C (General Commercial) District
 - Congregate Care Facilities
 - Nursing Homes
 - Residential Care Facilities
- A conditional use can only be heard and decided by the township Board of Zoning Appeals (BZA) – not the zoning inspector, not the zoning commission, and not the township trustees.

What is this NOT?

- An application to rezone any property in the township
- A request to build a nursing home at a specific location
- A request to increase the township's maximum height allowance, or to permit high-rise construction
- A request for multi-family housing or apartments

The Zoning Commission will share more of the specific details in their summary of the proposed amendment.

RULES FOR PUBLIC COMMENT:

These are the rules that we will use for public comments during the hearing:

1. Each person wishing to address the Commission may do so for up to 2 minutes and no excess time may be given to or shared with other individuals.
2. I will keep track of the time so that the ZC members may give their full attention to your comments and input. I will indicate when each speaker's time has elapsed and ask that you complete your sentence and stop so that the next speaker may approach.
3. Please begin by stating your full name (with the spelling of your last name) and stating your home address for the record.
4. We need to speak one at a time, and not step on one another's words. Our zoning administrative assistant will be compiling your comments into the public minutes, so please be kind and respectful to your fellow citizens who are speaking.
5. If you feel the need to have commentary and discussions among yourselves, I will ask you to step outside to have those conversations on your own. Quiet chatter, whispering and murmuring are disruptive, and again, the ZC members want to hear what you all have to say.
6. While we understand development allowances of this type can arouse strong emotions, each speaker **must be courteous, respectful and not disruptive**. Any discourteous, disrespectful, inappropriate, or otherwise disruptive behavior will not be tolerated.
7. Please keep your comments on the issues. Personal attacks or insults directed toward individuals are rude and beneath who we are as a community. In the event these kinds of comments are made, I have advised the ZC to immediately call a recess, and take a break until we can all resume proper courtesy and civility.

Are there any questions for me before I turn this over the Zoning Commission?



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

June 14, 2022

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

Re: Proposed Zoning Amendment No. ZC 2022-3

Dear Ms. McCarthy:

Please be advised that the Geauga County Planning Commission at its meeting held on June 14, 2022 voted to recommend denial of the proposed Chester Township Zoning Amendment ZC 2022-3 as initiated by the property owner, Caves Road, LLC (through Biltmore Healthcare, LLC).

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,

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

c: Susan Wieland, APA
Amendment file

FORM NO. 21

APPLICATION FOR A ZONING AMENDMENT

CHESTER TOWNSHIP

O.R.C. SECTION 519.12(A)

The undersigned owner(~~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: Caves Road, LLC, by and through Biltmore Healthcare, LLC, its
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: T. David Mitchell

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)(I).

"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

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 2nd 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. Galling
Print Name:

REAL PROPERTY TRANSFER TAX
TRANSFERRED AND PAID

MAR 31 2000

Fee \$ Exempt
Tracy A. Jamison, County Auditor

By: Deborah L. Best
11-199600
11-259900

RECEIVED FOR RECORD
AT 339 O'CLOCK PM

MAR 31 2000 22 -
RECORDED
No. 1288 Page 373
CATHERINE H. HEIDEN
Recorder, Geauga County, Ohio

VOL 1288 PAGE 373

Title Deed Parcel 1 and 2

Exhibit ALegal 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 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 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 Northwestern 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

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

Reviewed by SKJ
Date 8-31-00
GEAUGA COUNTY AUDITOR

STATE OF OHIO)
COUNTY OF Cuyahoga) ss:

The foregoing instrument was acknowledged before me this 22nd 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
Commission Expires Nov. 8, 2003

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

VOL 1288 PAGE 0376

200500711976
Filed for Record in
GEAUGA COUNTY, OHIO
MARY MARGARET MCBRIDE
02-08-2005 At 03:18 p.m.
COUNTY AFDI .00
OR Book 1754 Page 1038 - 1045

STATE OF OHIO)
COUNTY OF GEAUGA) SS:

**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.

Peter T. Seliskar
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 Page 13



CT Consultants
engineers | architects | planners

Instrument Book Page
200500711976 OR 1754 1041

Since 1928

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)**

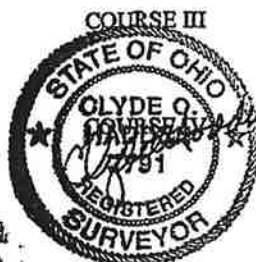
-PARCEL C-

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 $0^{\circ}00'51''$ 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 the 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;

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.

H:\2004\04229\SURVEY\DESC\PARCEL C.doc

35000 Kaiser Court | Willoughby | Ohio | 44094 | phone: 440.951.9000 | fax: 440.951.7437 | www.ctconsultants.com

A-2



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.

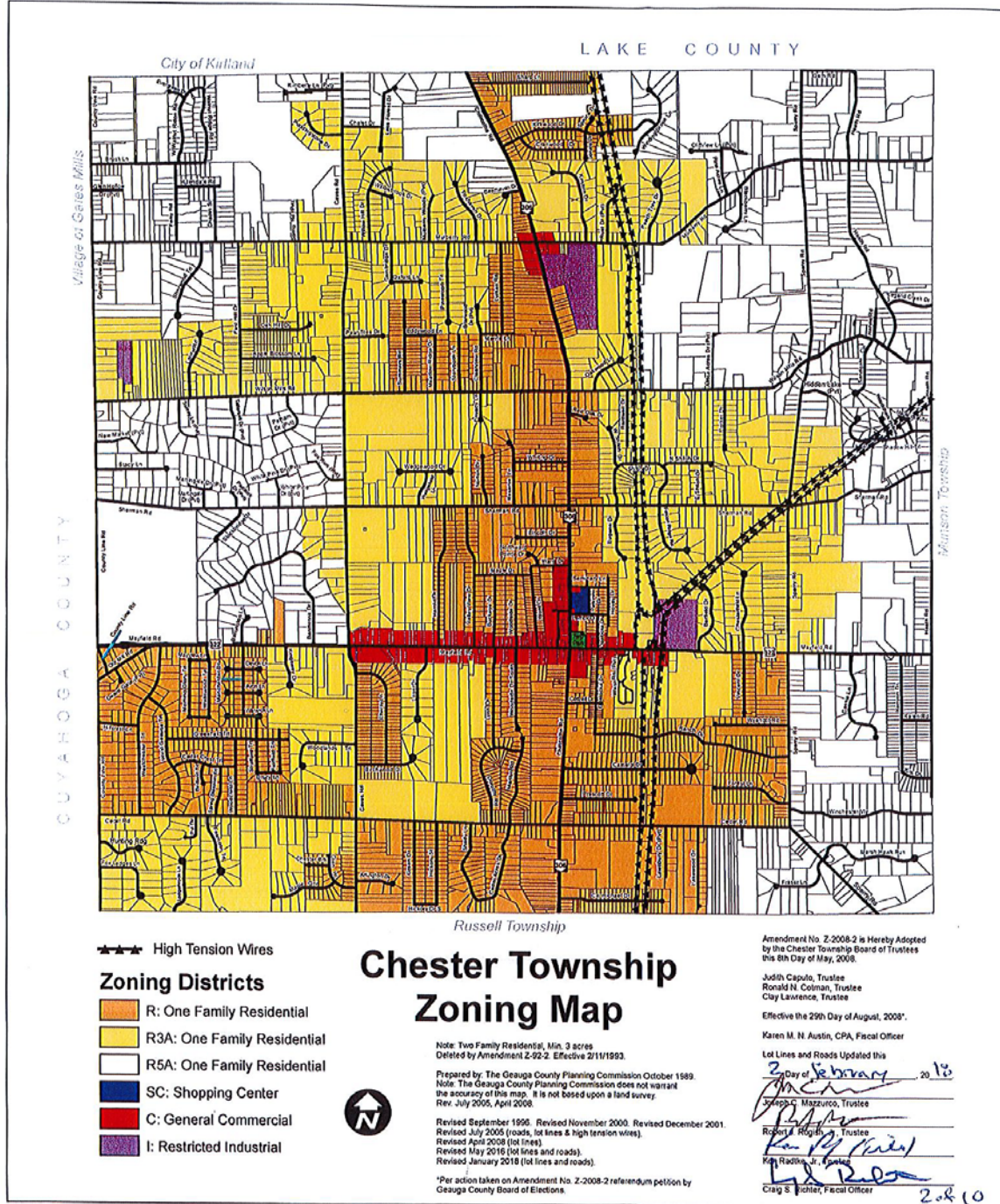
3. Article 6: Section 6.07.0 Conditional Buildings, Structures and Uses in Commercial Districts

- a. Proposal is to add new Section 6.07.04, regulatory language regarding congregate 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.

Zoning Map



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, etc.** 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.

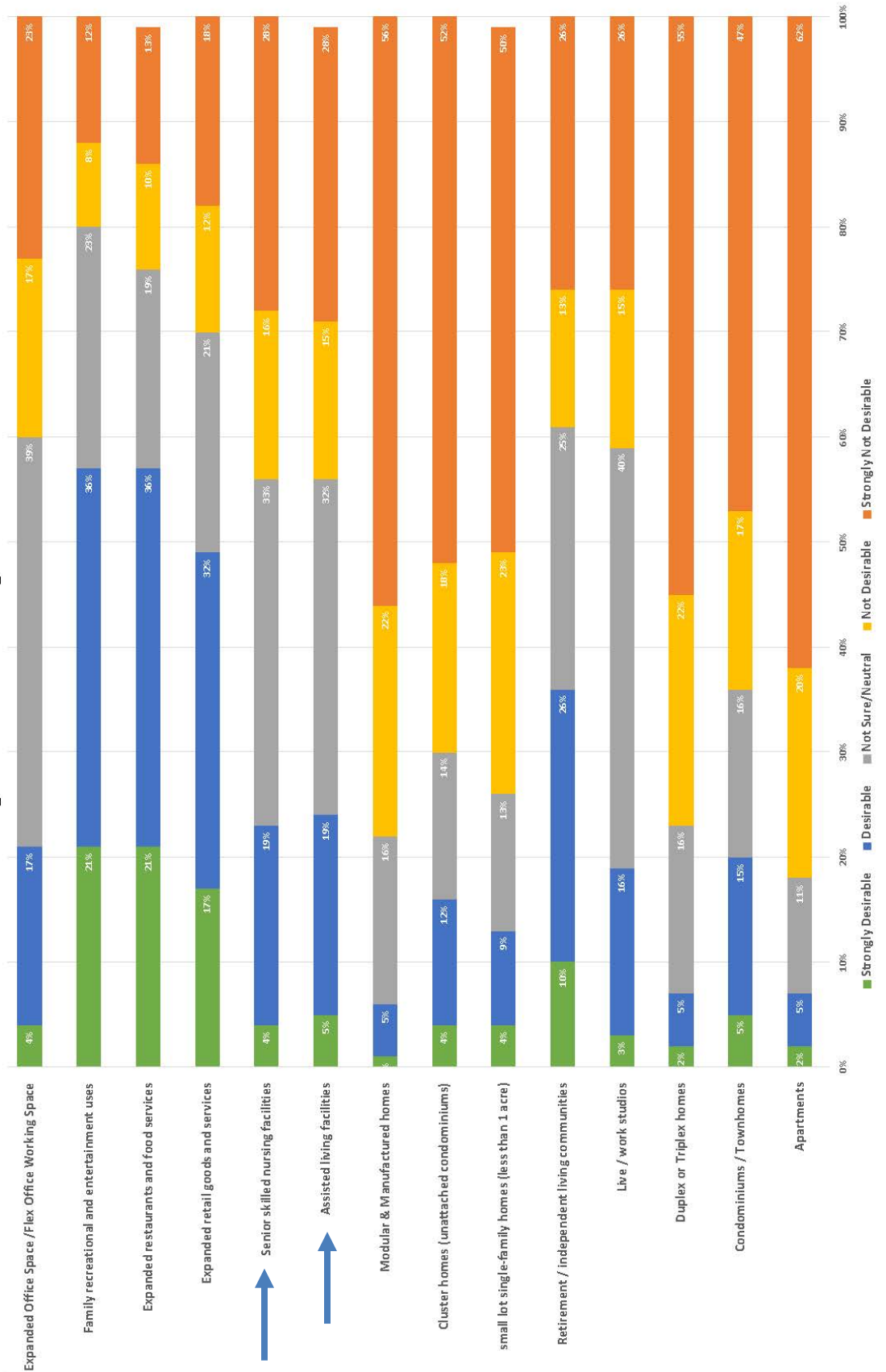
6. **Senior programs data**

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				
Label	Total		Percent	
	Estimate	Margin of Error	Estimate	Margin of Error
Total population	10,271	±23	(X)	(X)
AGE				
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	563	±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	559	±153	5.4%	±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	724	±166	7.0%	±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	533	±201	5.2%	±2.0
80 to 84 years	238	±101	2.3%	±1.0
85 years and over	533	±336	5.2%	±3.3
SELECTED AGE CATEGORIES				
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
16 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	±233	78.4%	±2.3
60 years and over	3,578	±442	34.8%	±4.3
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	±374	12.7%	±3.6

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

8. Geauga County General Plan

Similar to the Chester Land Use plan, the Geauga County General Plan Community Survey associated with the 2021 County General Plan update did not specifically ask a question about congregate care type facilities. The Community Survey did reveal through several write-in comments the need/desire for more affordable senior housing options and services/programs but nothing specific to congregate care (nursing home, etc.) with the exception of one resident who thought, incorrectly, that there are no nursing homes in the County.

The Community Survey did ask the question “Would you like to see more housing in the County? If Yes, which type?”. Out the 10 housing options provided, single family was #1 with Assisted Care Living coming in at #8 with 10.63%. As assisted living is a Residential Care Facility, it was worth mentioning.

Lastly, the Housing Chapter mentions as a Tool/Strategy that local governments may consider allowing senior housing within an appropriate zoning district with adequate infrastructure and gave the example of Troy Township allowing nursing homes as a conditional use in their general commercial district. A nursing home is not what is typically regarded as senior housing as residents of a nursing home reside there because it is medically necessary for them to do so. “Adequate infrastructure” is key to any project.

Staff Recommendation

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

If this amendment were to be approved, “Congregate Care Facilities” including “Nursing Homes” and “Residential Care Facilities” “or other similar facilities” would then be permitted as a conditional use anywhere within the C General Commercial District, subject to the terms of the language proposed in Section 6.07.04 Conditional Uses and the Conditional Use Article 6 in general.

Please see for your consideration, the following staff recommendation for *approval with modifications*:

1. Article 2 (Definitions):
 - a. It is recommended the “or similar facility” language in the definition of “Congregate Care Facility” be removed as it is open to interpretation. Independent living and assisted living are often part of congregate care facilities and as written, the proposed language could also be interpreted to include this type of living arrangement. The commercial district did not envision this type of primary residential use.
 - b. It is recommended that the definition of “nursing home” and “residential care facility” follow the ORC definition or that the definition specifically references the Ohio Revised Code 3721.01.
2. Ms. Wieland from the County Prosecutor’s Office offered the following: The proposed definitions seem unclear, as “nursing homes” and “residential care facilities” both refer back to “congregate care facilities.” However, as you pointed out, they are not synonymous. I think the definitions need to be clarified, and then the applicant must ensure that the text still fits the definition so that it is clear to all what is being proposed.

3. Section 6.07.04:

- a. It is recommended that any such CCF be required to be the primary use on a property and not be associated with any other buildings, structures, or uses, subject to the lot acreage minimum.
 - b. It is recommended the regulatory language be improved to provide more guidance on various site development requirements.
4. It is recommended that as nursing homes are both commercial/medical and residential in nature, the Township could consider only “Nursing Homes” be added as a conditional use and the language related to “Congregate Care Facility” and “Residential Care Facility” and “or similar uses” be removed.

c: S. Wieland
File

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

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/places 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.



10743 Chillicothe Rd.

Kirtland, Ohio 44094

May 24, 2022

Re: Water wells, Mayfield and Caves Road, Chesterland, Ohio

Mr. Mitchell,

With reference to the potential yields of water wells for the proposed Biltmore Health Care Facility:

The primary aquifer in the area is the Berea Sandstone. Our experience, along with researched well logs from Ohio Department of Natural Resources indicate yields from 15 to 30 gallons per minute.

Your data regarding a similar facility shows an average daily usage of 7,500 - 8,000 gallon per day usage.

Using an Ohio EPA usage formula, we calculate the following:

Average Daily Demand $8,000(\text{gallons}) / 1,440 (\text{minutes per day}) = 5.55 \text{ gpm}$

Peak Daily Demand $5.55 \times 2 = 11.11 \text{ gpm}$

Therefore, based on the above calculations Ohio EPA would require 11.11 gallon per minute flow rate.

Based on the lot size, and the ability to space wells accordingly, along with proper water system design, water usage by the facility should have little to no impact on surrounding wells.

Sincerely,



Jim Ayers

Ayers Well Drilling, Ltd.



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BUFFALO DISTRICT
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199**

February 25, 2022

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application
No. LRB-2006-01337

HZW Environmental Consultants, LLC
Attn: Rachel Davidson
6105 Heisley Road
Mentor, OH 44060
Email: rdavidson@hzwenv.com

Dear Ms. Davidson:

I have reviewed the aquatic resource delineation map you submitted on behalf of your client, Brenner Kaprosy Mitchell, LLP requesting a preliminary jurisdictional determination (JD) for a 11.4-acre review area located at the southeast corner of the intersection of Caves Road and Mayfield Road, Chesterland Township, Geauga County, Ohio (Sheet 1 and 2, of 4).

I have evaluated your submitted aquatic resource delineation map (sheets 3 and 4, of 4) and have determined that the aquatic resource boundaries shown on the map accurately represent on-site conditions. Please note that this is a preliminary JD. Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this preliminary JD will be evaluated as though all aquatic resources on the site are regulated by the Corps. Further, all aquatic resources will be used for purposes of assessing the extent of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the aquatic resources identified on the submitted drawings, you may request an approved JD from this office. If an approved JD is requested, please be aware that this is often a lengthy process, and we may require the submittal of additional information.

I have enclosed the preliminary JD Form with this letter. The form and attached table identify the extent of aquatic resources on the site and specific terms and conditions of the preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my evaluation of your file. If you do not respond within 15 days, I will presume concurrence and no additional follow-up is necessary prior to finalizing this action.

Regulatory Branch

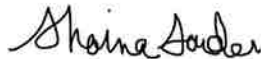
SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application No. LRB-2006-01337

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Questions pertaining to this matter should be directed to me at (716) 879-4240, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: Shaina.R.Souder@usace.army.mil

Sincerely,



Shaina Souder
Biologist

Enclosures

Appendix 1 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: February 25, 2022

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

HZW Environmental Consultants

Attn: Rachel Davidson

6105 Heisley Road,

Mentor, OH 44060

On behalf of:

Brenner Kaprosy Mitchell, LLP

30050 Chagrin Boulevard

Pepper Pike, OH 44124

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

LRB, Brenner Kaprosy Mitchell, LLP, LRB-2006-01337

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: OH County/parish/borough: Geauga County City: Chesterland

Center coordinates of site (lat/long in degree decimal format):

Lat.: 41.5218° Long.: -81.3604°

Universal Transverse Mercator: 17

Name of nearest waterbody: Griswold Creek

E. REVIEW PERFORMED FOR SITE EVALUATION:

X Office (Desk) Determination. Date: February 24, 2022

X Field Determination. Date(s): November 4, 2021

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
LRB-2006-01337 Stream 1	41.522187	-81.359329	569.3 feet	Non-wetland waters	Section 404
LRB-2006-01337 Stream 2	41.521317	-81.357994	106.4 feet	Non-wetland waters	Section 404
LRB-2006-01337 Wetland A	41.52106	-81.359551	0.19 acres	Wetland	Section 404
LRB-2006-01337 Wetland B	41.521027	-81.35883	0.55 acres	Wetland	Section 404
LRB-2006-01337 Wetland C	41.521541	-81.358017	0.07 acres	Wetland	Section 404
LRB-2006-01337 Wetland D	41.582165	-81.359238	0.96 acres	Wetland	Section 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 1 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA - Data reviewed for PJD:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: "Wetland Delineation, three parcels (permanent parcel numbers 11-19960, 11-389255, and 11-259900), located in Chesterland Geauga County, Ohio" dated April 2017.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____
- ☐ Data sheets prepared by the Corps: _____
- ☐ Corps navigable waters' study: _____
- ☐ U.S. Geological Survey Hydrologic Atlas: _____
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: https://ngmdb.usgs.gov/topoview/viewer/#15/41.5224/-81.3626 OH-Chesterland, 2019, scale -

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 1 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

- 1:24000.
- ☒ Natural Resources Conservation Service Soil Survey. Citation:
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> - Review Area, Chesterland,
Geauga County, OH.
- ☒ National wetlands inventory map(s). Cite name: <https://www.fws.gov/wetlands/data/mapper.html> -
Review Area, Chesterland, Geauga County, OH.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☐ Aerial (Name & Date): _____.
or ☒ Other (Name & Date): <https://explorer.eagleview.com/index.php#> - Oblique
image, dated November 24, 2021. Photographs provided in the delineation
report, dated April 4, 2017.
- ☒ Previous determination(s). File no. and date of response letter: 2006-01337 JD dated March 20,
2007.
- ☒ Other information (please specify): Corps of Engineers site visit on November 4, 2021.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by
the Corps and should not be relied upon for later jurisdictional determinations.**

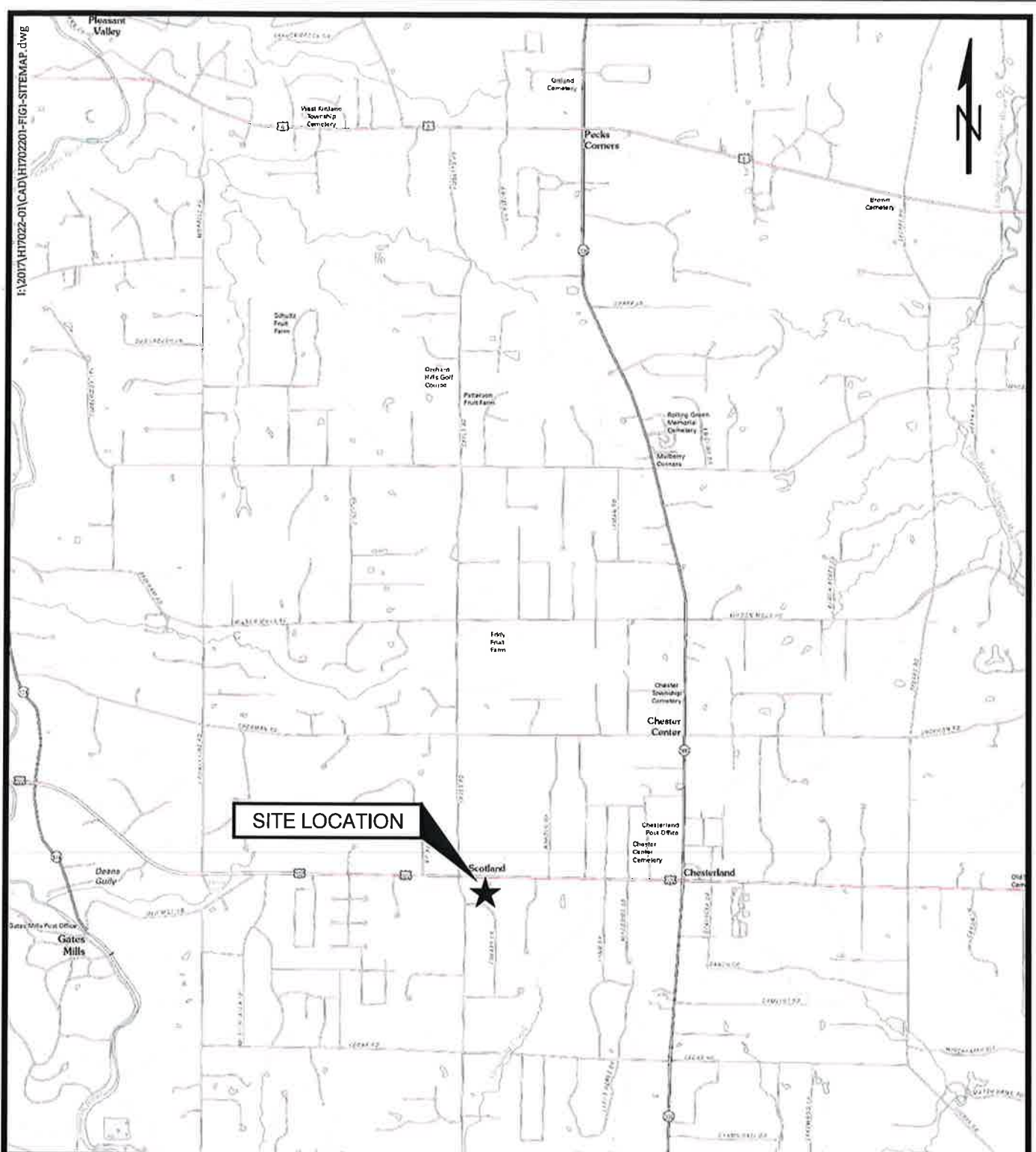
 25FEB2022

Signature and date of Regulatory staff
member completing PJD

Signature and date of person requesting
PJD (REQUIRED, unless obtaining the
signature is impracticable)¹

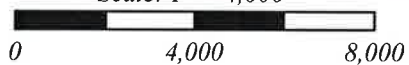
¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

I:\2017\117022-01\CAD\11702201-FIG1-SITEMAP.dwg



SITE LOCATION

Scale: 1" = 4,000'



HZW Environmental Consultants

FIGURE 1
SITE MAP

PPNS 11-199600, 11-389255 & 11-259900
CITY OF CHESTERLAND, GEAGA COUNTY, OHIO

I:\2017\17022-01\CAD\170220-FIG2-TOPOMAP.dwg
STARBROOK DR

HAROLD DR

CHERRY LN

1100

 - STUDY AREA

Scale: 1" = 600'

0 600 1,200

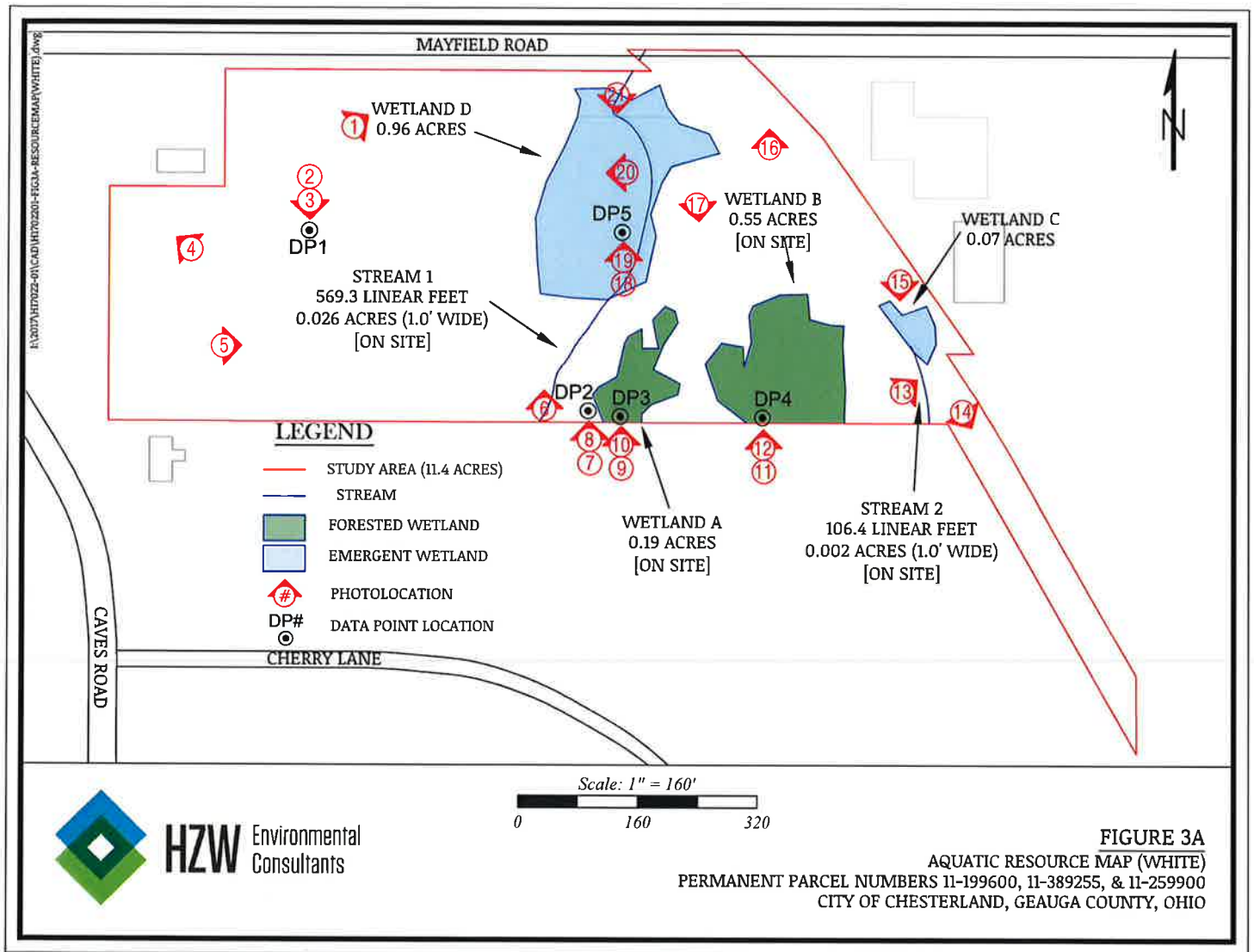


HZW Environmental
Consultants

FIGURE 2

TOPOGRAPHIC MAP

PPNS 11-199600, 11-389255 & 11-259900
CITY OF CHESTERLAND, GEauga COUNTY, OHIO





HZW Environmental
Consultants

FIGURE 3B
AQUATIC RESOURCE MAP (AERIAL)
PERMANENT PARCEL NUMBERS 11-199600, 11-389255, & 11-259900
CITY OF CHESTERLAND, GEauga COUNTY, OHIO

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Brenner Kaprosy Mitchell, LLP		File Number: LRB-2006-01337	Date: February 25, 2022
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Shaina Souder
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
Shaina.R.Souder@usace.army.mil
(716) 879-4240

If you only have questions regarding the appeal process you may also contact:

Katherine McCafferty
Regulatory Appeals Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460
e-mail: katherine.a.mccafferty@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

T. David Mitchell

From: Mike Wohlwend <mikew@w-enggroup.com>
Sent: Thursday, June 09, 2022 3:25 PM
To: T. David Mitchell
Cc: Laurie Haas
Subject: FW: Mayfield Rd sewer capacity

Dave,

Please see below from the Geauga County Sewer District. Do you want us to push for more info now or hold off? I don't believe that upgrading the pumps in the pump station would be a huge cost.

Sincerely,

Mike Wohlwend, P.E., LEED AP BD+C



4216 Karg Industrial Parkway
Kent, Ohio 44240
Office 330-673-2400
Mobile 330-931-9450
mikew@w-enggroup.com

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From: Ronald Walker <ronw@gcdwr.org>
Sent: Thursday, June 9, 2022 3:14 PM
To: Laurie Haas <LaurieH@w-enggroup.com>
Cc: Steven Oluic <steveno@gcdwr.org>; Jerry Whalen <JerryW@gcdwr.org>
Subject: RE: Mayfield Rd sewer capacity

Funny you ask, we just finished our weekly Engineering meeting...

I reviewed data for our wastewater treatment plant and pump stations that would be impacted by the development of the property. There is capacity at the WWTP however the pump stations are experiencing wet weather issues. The consensus of our Sanitary Engineer was that we would revisit the request after zoning and the township agree that the project can go forward.

I doubt this is the exact answer you were looking for but I hope it help you move forward with your planning.

Ronnie Walker

Industrial Pretreatment Coordinator
Geauga County Department of Water Resources
470 Center St. Building 3
Chardon, Ohio 44024
440-279-1976

From: Laurie Haas <LaurieH@w-enggroup.com>
Sent: Thursday, June 9, 2022 10:35 AM
To: Ronald Walker <ronw@gcdwr.org>
Subject: RE: Mayfield Rd sewer capacity

Hi Ron,

Any information available on the capacities of the treatment plant and pump station you can forward?

Thanks.

Have a good day.

Laurie Haas
Project Manager



4216 Karg Industrial Parkway
Kent, Ohio 44240
Office 330-673-2400 x203
Mobile 440-376-1403
laurieh@w-enggroup.com

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From: Laurie Haas
Sent: Tuesday, June 7, 2022 12:44 PM
To: Ronald Walker <ronw@gcdwr.org>
Subject: RE: Mayfield Rd sewer capacity

Hi Ron,

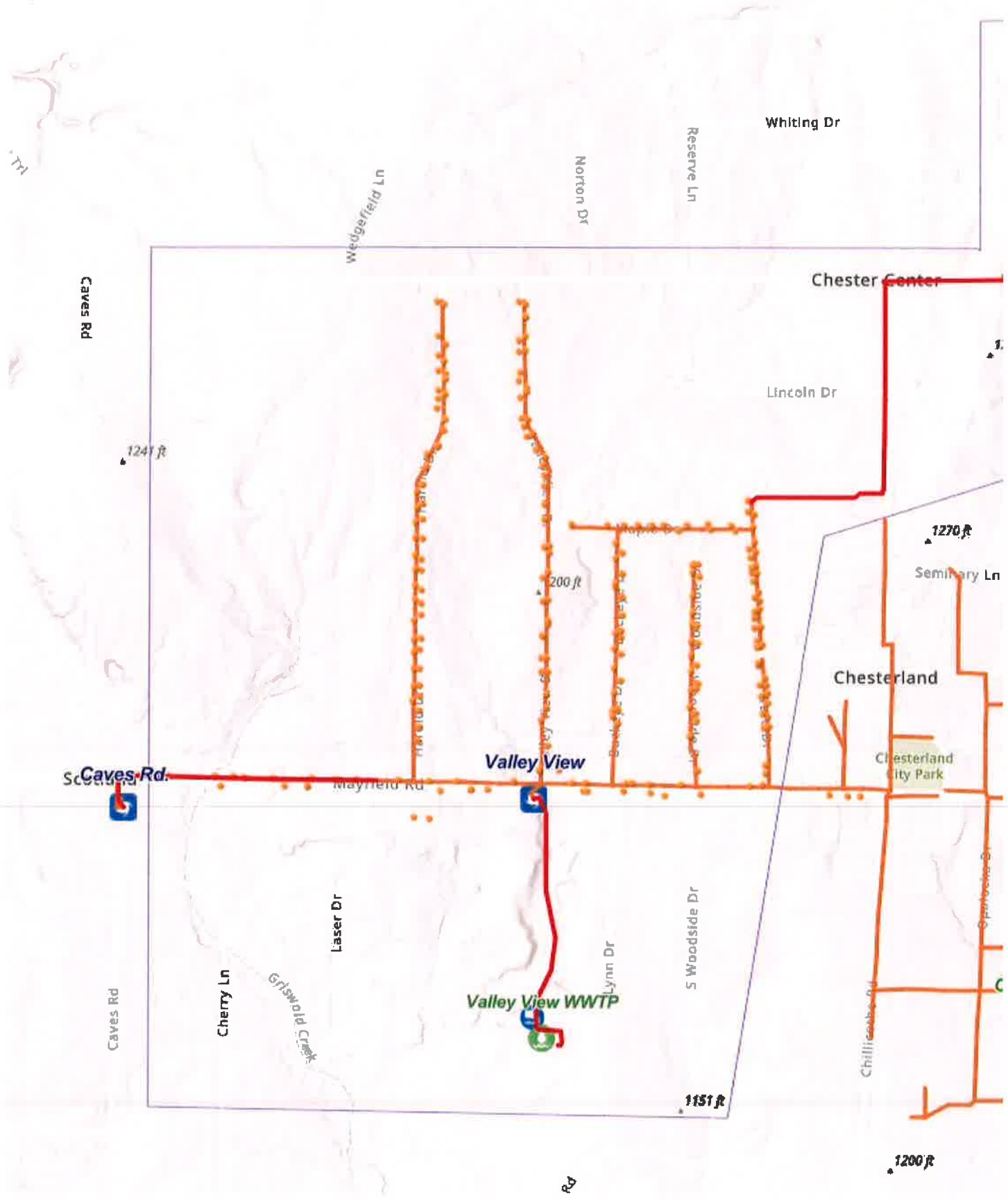
T. David Mitchell

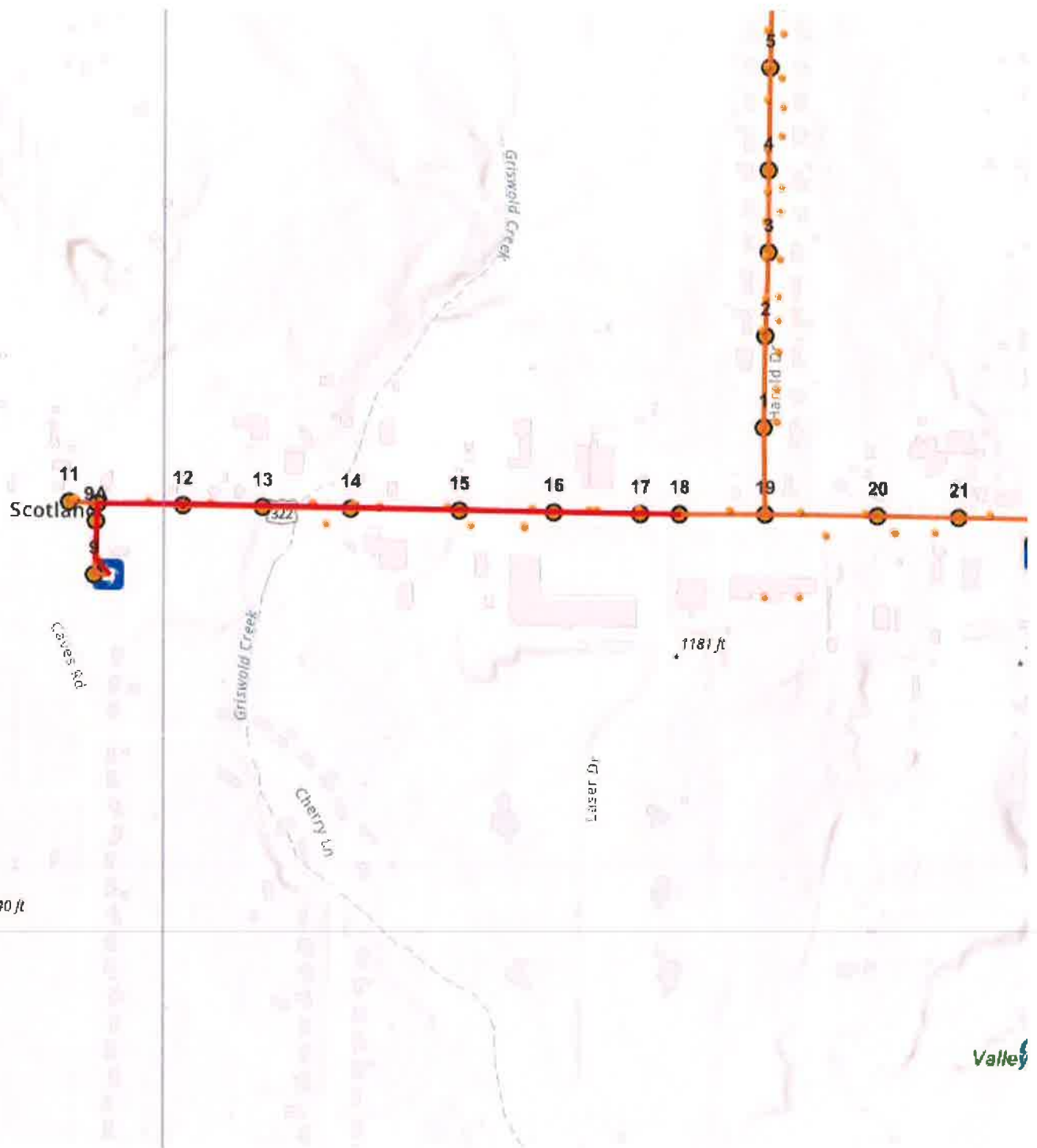
From: Mike Wohlwend <mikew@w-enggroup.com>
Sent: Friday, June 10, 2022 9:17 AM
To: T. David Mitchell
Cc: Laurie Haas
Subject: RE: Mayfield Rd sewer capacity

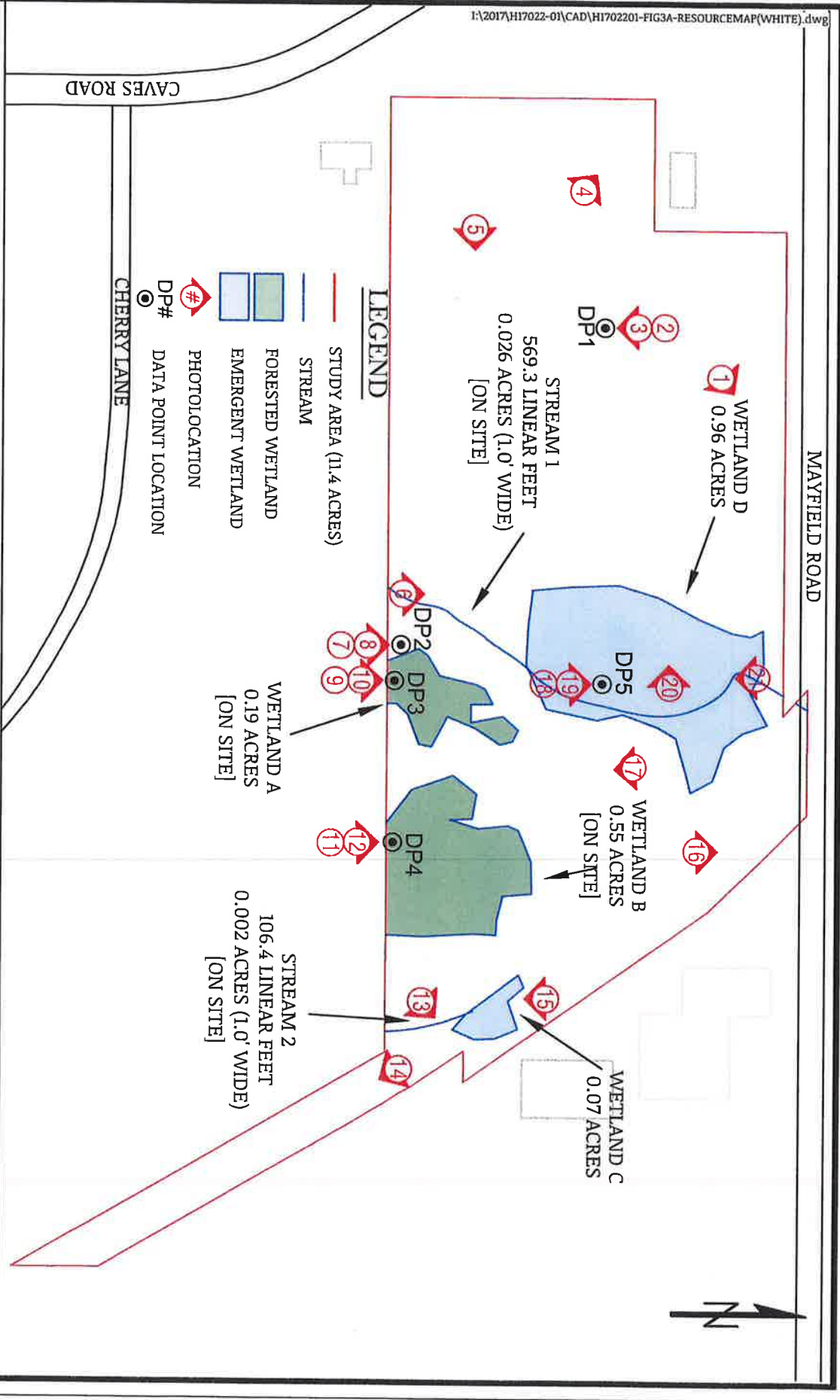
See below.

From: Ronald Walker <ronw@gcdwr.org>
Sent: Friday, June 10, 2022 8:55 AM
To: Laurie Haas <LaurieH@w-enggroup.com>
Subject: RE: Mayfield Rd sewer capacity

The WWTP that property would discharge to is Valley View WWTP. The service area is outlined in purple below. Your proposed site is adjoined to Caves Rd. Pump Station.
Pump stations are blue. Force mains are red. Gravity mains are orange. WWTP are green. The orange dots are lateral cleanouts for each customer. Chesterland is serviced by two WWTP.'s, Valley View and Opalocka. We do not have map that has public access. Hope these screen shots can help.







HZW
Environmental
Consultants

Scale: 1" = 160'

0 160 320

FIGURE 3A
AQUATIC RESOURCE MAP (WHITE)
PERMANENT PARCEL NUMBERS 11-199600, 11-389255, & 11-259900
CITY OF CHESTERLAND, GEauga COUNTY, OHIO



HZW
Environmental
Consultants

FIGURE 3B
AQUATIC RESOURCE MAP (AERIAL)
PERMANENT PARCEL NUMBERS 11-199600, 11-389255, & 11-259900
CITY OF CHESTERLAND, GEauga COUNTY, OHIO



HZW
Environmental
Consultants

July 1, 2022

T. David Mitchell, Esq.
Brenner Kaprosy Mitchell L.L.P.
30050 Chagrin Boulevard, Suite 100
Pepper Pike, Ohio 44124-5704

Subject: Hydrogeology of the Proposed Biltmore Health Care Nursing Home, Southeast of Caves Road and Mayfield Road, Chester Township, Geauga County, Ohio (the "Property")

Dear Mr. Mitchell:

HZW Environmental Consultants, LLC was retained by Brenner Kaprosy Mitchell L.L.P. to evaluate the hydrogeologic setting of the Property, which consists of approximately 11.4 acres of vacant land. The area is not served by a public water supply, and all parcels in the vicinity (including Mayfield United Methodist Church, located west of the Property across Caves Road) rely on groundwater from wells for their potable and non-potable needs. The undersigned is a trained hydrogeologist with over 36 years of experience in the environmental field, and has researched secondary source information, Ohio EPA rules related to well siting for non-transient community supplies and visited the Property to observe site conditions first-hand. In addition, between 1989 and 2019 the undersigned was a resident of Munson Township which abuts Chester Township on the east, and as a long-time Geauga County resident is very familiar with the Property and its setting.

The geology beneath the property consists of a veneer of unconsolidated glacial drift (till and outwash deposits) underlain by consolidated bedrock units of the Mississippian Cuyahoga Formation (shales, siltstones, and thin sandstone units) and Berea Sandstone Formation. Secondary sources (Ohio Department of Natural Resources [ODNR] groundwater resources maps and water well logs) indicate that the primary groundwater aquifer in the area is the Berea Sandstone. Groundwater yields of up to 30 gallons per minute (gpm) to properly completed wells are not uncommon.

The Berea Sandstone is present beneath the entire Property; therefore, any location on the Property has an equal potential of providing a reliable source and quantity of groundwater. With a few exceptions, the surrounding residential parcels to the south and the church to the west all tap into the Berea Sandstone. The church has two wells (one installed in 2003 and one installed in 2015) which are both approximately 180 feet deep.

T. David Mitchell, Esq.

July 1, 2022

Page 2

In terms of needed capacity, the Ohio EPA has formulas based on the necessary wastewater treatment capacity. For your wastewater system, Ohio EPA's so-called "Green Book" requires a wastewater treatment plant design of 200 gallons per day (gpd) per bed, and 50 gpd for every non-residential employee. Assuming one (1) full-time employee for every 8 beds working three shifts translates to 35 full-time non-residential employees. This translates to a required treatment capacity of just under 20,000 gpd. While you have provided data from similar operating facilities indicating actual water usage well below 20,000 gpd, we have nevertheless evaluated this site based on Ohio EPA-recommended calculations for peak demand. Any fire suppression (sprinkler) system does not add to groundwater demand once fully charged, and there are alternatives for fire suppression make-up water other than groundwater.

Using the 20,000 gpd number, the Property will require an average groundwater yield of 14 gpm. Based on the information available from the ODNR, the Berea Sandstone would appear to be capable of providing ample groundwater supply for the site, although one might consider storage alternatives or a second well in order to satisfy peak (versus average) requirements. Ohio EPA and/or County Health Department regulations related to siting should be followed if one were to opt for two producing wells on the Property.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

HZW ENVIRONMENTAL CONSULTANTS, LLC



Matthew D. Knecht

Certified Professional Geologist

MDK:mdk

I:\2021\H21067-02\Groundwater Letter.docx

TMS Engineers, Inc.

Transportation Management Services

2112 Case Parkway South, #7 * Twinsburg, Ohio 44087

www.TMSEngineers.com

May 17, 2022

Mr. T. David Mitchell
Biltmore Health Care, LLC
30050 Chagrin Boulevard
Suite 100
Pepper Pike, Ohio 44124

**Re: Proposed Nursing Home Facility
Chesterland, Ohio
Trip Generation Analysis**

Dear Mr. Mitchell:

TMS Engineers, Inc. has performed the following trip generation analysis for the proposed nursing home facility in Chesterland, Geauga County, Ohio. The development site is located south of Mayfield Road (See **Location Map, Figure 1**).

The purpose of the trip generation analyses is to estimate the traffic that will be generated by the nursing home. The site plan can be seen in **Figure 2**. The following are the results of our trip generation analysis.

SITE GENERATED TRAFFIC

Calculating future total driveway trips requires an estimate of the traffic generated by the proposed development. The most widely accepted method of determining the amount of traffic that the proposed development will generate is to compare the proposed land use with existing facilities of the same use. The Institute of Transportation Engineers (ITE) has prepared a manual titled "**Trip Generation Manual**", which is a compilation of similar traffic generation studies to aide in making such a comparison. The most recent update of this manual is the 11TH edition and was utilized for this analysis.

The proposed development is expected to consist of the following land use:

- **96 Bed Nursing Home**

Mr. T. David Mitchell

May 17, 2022

Page 2

PROPOSED TRIP GENERATION CALCULATIONS

Trip generation calculations were performed utilizing data contained in the **Trip Generation Manual, 11TH Edition** and the methods outlined in the (ITE) **Trip Generation Handbook**. Based on the previously discussed trip generation analysis procedures, the table below shows the estimated site generated traffic during the AM and PM peak hours for the proposed nursing home facility. A copy of the trip generation worksheet can be seen in **Figure 3**.

NEW TRIP GENERATION

ITE TRIP GENERATION			TRIP ENDS			
ITE CODE	DESCRIPTION	BEDS	Weekday AM Peak Hour of Adjacent Streets (Enter/Exit)		Weekday PM Peak Hour of Adjacent Streets (Enter/Exit)	
620	Nursing Home	96	11	5	7	14
TOTAL NEW TRIPS			16		21	

CONCLUSIONS

The previous table shows that the proposed nursing home is expected to generate a total of 16 trips in the AM peak hour and 21 trips in the PM peak hour. It is our opinion that, when the anticipated changes in traffic volumes are at these levels, the traffic generated by the facility should not have an impact on the surrounding street network system.

This opinion is based upon the fact that traffic impact studies are recommended to be performed by the **Institute of Transportation Engineers** whenever an increase in trips in any peak hour is greater than 100 trips per hour. This recommendation is made because this is the point where a change in roadway capacity may be found and mitigation may or may not be needed. The anticipated generated volumes from this development are less than daily variations in the current volumes on the local roadway network and should not be perceived by the traveling public.

The Ohio Department of Transportation concedes that traffic studies are only necessary when the resulting trip increase is more than 60 trips in either of the peak hours. This is stated in their **State Highway Access Management Manual**. Since the proposed nursing home is expected to generate less than 60 trips, it is our professional opinion that the change in the amount of generated traffic will **not** have an impact on the surrounding roadway network nor require traffic analyses.

Mr. T. David Mitchell
May 17, 2022
Page 3

If you have any questions or need additional information, please do not hesitate to contact me.

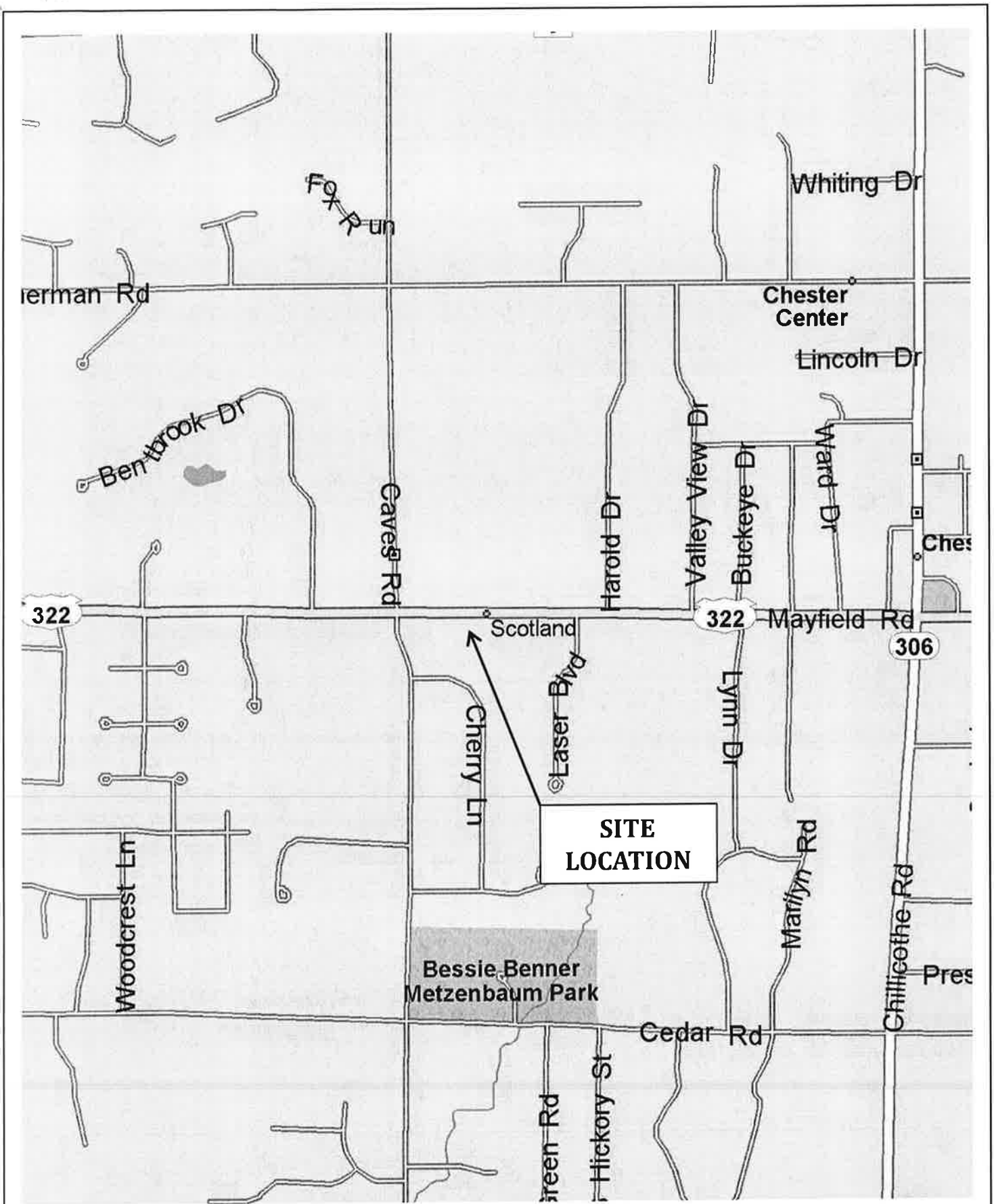
Very truly yours,

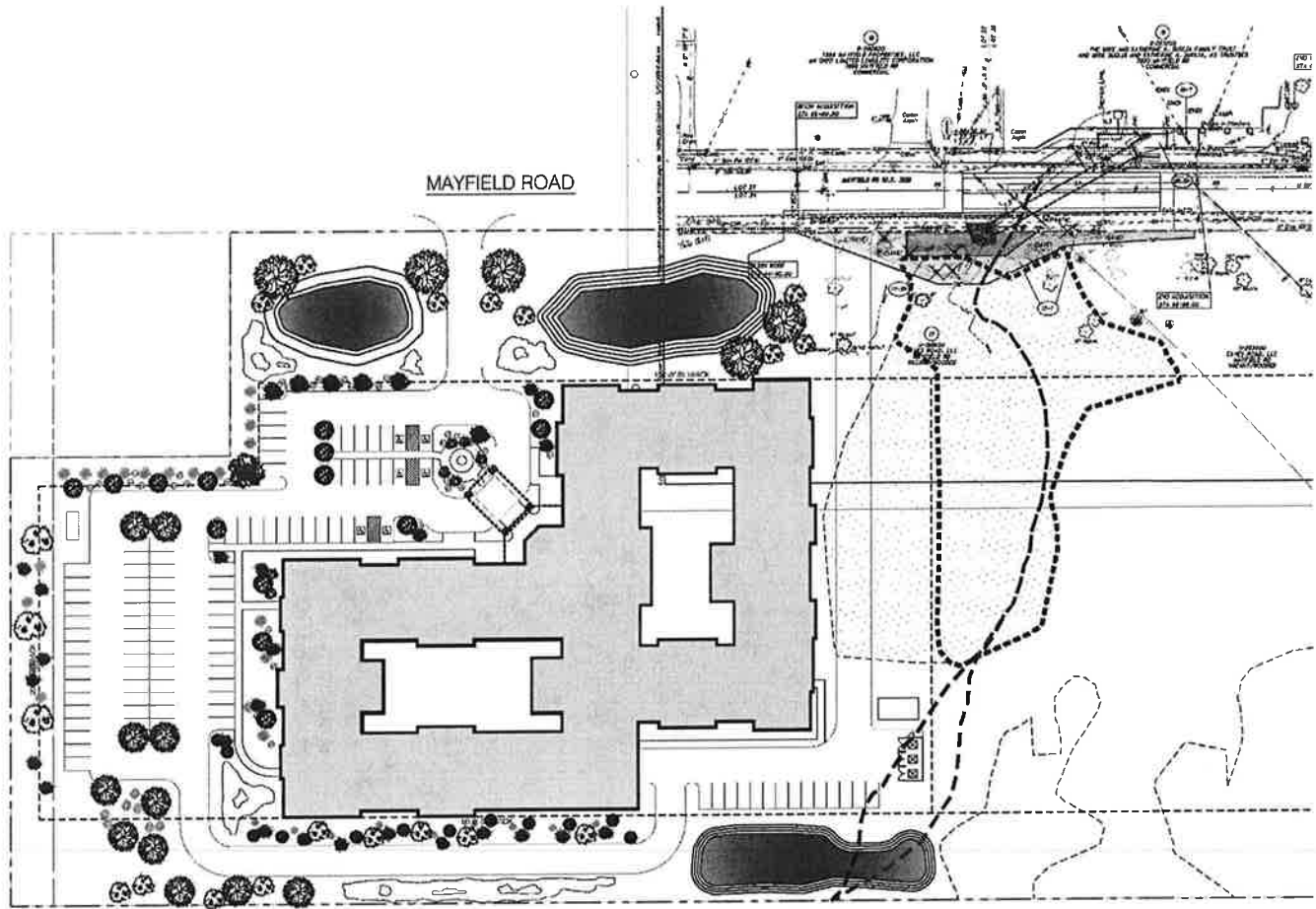
TMS Engineers, Inc.



Andrew J Pierson, P.E.
Senior Traffic Engineer







TMS Engineers, Inc.

2112 Case Parkway S., Unit 7,
Twinsburg, Ohio 44087
www.TMSEngineers.com

**Proposed Nursing Home
Chesterland, Ohio
Trip Generation Analysis**

Site Plan

↑
NORTH
NOT TO
SCALE

Figure: 2
Attachment

NURSING HOME

ITE CODE = 620

Date: **5/17/2022**

Trip Generation based on:

Size of Analysis Area: **96** Beds

Beds	Average Rate	Standard Deviation	Adjustment factor	Driveway Volume
WEEKDAY				
Average Weekday 2-way Volume	3.06	3.64	1.00	294
Weekday Peak Hour of Adjacent Street Traffic				
7-9 AM Peak Hour Enter	0.11	0.00	1.00	11
7-9 AM Peak Hour Exit	0.05	0.00	1.00	5
7-9 AM Peak Hour Total	0.17	0.22	1.00	16
4-6 PM Peak Hour Enter	0.07	0.00	1.00	7
4-6 PM Peak Hour Exit	0.15	0.00	1.00	14
4-6 PM Peak Hour Total	0.22	0.26	1.00	21

****The above rates were calculated from the equations shown below:**

WEEKDAY

Average Weekday 2-way Volume

Not Given – Use ITE Rates

Weekday Peak Hour of Adjacent Street Traffic

7-9 AM Peak Hour Total

Not Given – Use ITE Rates

Enter 72%
Exit 28%

4-6 PM Peak Hour Total

Not Given – Use ITE Rates

Enter 33%
Exit 67%

Source: Institute of Transportation Engineers
Trip Generation, 10th Edition, 2017

TMS Engineers, Inc.

2112 Case Parkway S., Unit 7,
Twinsburg, Ohio 44087
www.TMSEngineers.com

**Proposed Nursing Home
Chesterland, Ohio
Trip Generation Analysis**

**Trip Generation
Calculations**


NORTH
NOT TO
SCALE

Figure: 3

Attachment



GEOTECHNICAL EXPLORATION REPORT

FOR THE

**NEW NURSING HOME
MAYFIELD ROAD & CAVES ROAD
CHESTER TOWNSHIP, GEAUGA COUNTY, OHIO
WGE#20221109**

PREPARED FOR

**BILTMORE HEALTHCARE, LLC
30050 CHAGRIN BOULEVARD, SUITE 100
PEPPER PIKE, OHIO 44124**

BY

**WERTZ GEOTECHNICAL ENGINEERING, INC.
400 COLLIER DRIVE
DOYLESTOWN, OHIO 44230**



DRILLING | MATERIAL TESTING | ENGINEERING

June 8, 2022

**Biltmore Healthcare, LLC
30050 Chagrin Boulevard, Suite 100
Pepper Pike, Ohio 44124**

ATTN: T. David Mitchell, Partner

**RE: New Nursing Home Facility, Mayfield Road & Caves Road, Chester Township,
Geauga County, Ohio; WGE #20221109**

Mr. Mitchell:

Wertz Geotechnical Engineering (WGE) has completed the requested subsurface investigation for the proposed New Nursing Home project in Geauga County. The purpose of this investigation is to define the subsurface conditions at the project site and to make general recommendations relative to site preparation, earthwork, pavement, construction, and other pertinent geotechnical aspects of the project. These professional services have been performed, the findings obtained, and the recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices.

If you have any questions or concerns regarding the information presented in this submittal, or have need of additional services, please contact our office at (330) 991-0041.

Sincerely,

A handwritten signature in black ink that reads "Leroy Wertz".

Leroy Wertz, P.E.
Senior Geotechnical Engineer

A handwritten signature in black ink that reads "Kelly Luecke".

Kelly Luecke, P.E.
Project Engineer

Wertz Geotechnical Engineering, Inc.
400 Collier Drive, Doylestown, OH 44230 | (330) 991-0041

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LIST OF FIGURES:

- FIGURE 1 - Geotechnical Boring Location Map
- FIGURE 2 - USDA Web Soil Survey Map
- FIGURE 3 - ODNR Bedrock Geology Map

LIST OF ATTACHMENTS:

- ATTACHMENT A - Geotechnical Boring Logs

PROJECT DESCRIPTION

SITE DESCRIPTION

The project site is located southeast of the intersection of Mayfield Road and Caves Road, Chester Township, Geauga County, Ohio. The site is on the south side of Mayfield Road and approximately 500 feet east of Caves Road. The site is covered in mostly grass with some trees, with a drainageway running southward through the site. Historical imagery shows that a previous structure existed on the site which was razed prior to 1982. There were also grading operations and outdoor vehicle storage on the site from roughly 2000 to 2010.

A proposed site plan dated November 12th, 2021 was provided. The project includes a 66,843 square foot building with 91 units, 105 spaces for parking along with some connecting drives, three retention ponds, and supporting utilities. The planned building use is a nursing home facility. The structure is assumed to be a slab-on-grade structure. For the geotechnical analysis, the maximum foundation loadings are assumed to not exceed 75 kips for columns and 4 kips per foot for walls. The planned foundation systems will be shallow spread footings set below the frost penetration depth and built according to the Ohio Building Code.

The site is mildly sloped and generally sheds toward the south, with some higher grades in the center. Grades on the site range from a high point of elevation 1148 feet down to elevation 1120 near the southern property line. The final grading plan and finished floor elevations were not available at the time of this analysis. The cut/fill depths for the building pad are not expected to exceed 8 feet.

If our project understanding or any of our project assumptions are incorrect, we should be contacted in order to determine if our recommendations remain valid.

DESCRIPTION OF REGIONAL GEOLOGICAL SETTING

The project site in Geauga County is situated in the Killbuck-Glaciated Pittsburgh Plateau Physiographic Region of Ohio, which is defined by ridges and flat uplands covered with thin drift and dissected by steep valleys, where valley segments alternate between broad drift-filled and narrow rock-walled reaches (Ohio Department of Natural Resources Division of Geological Survey, 1998).

According to the USDA Web Soil Survey, the site area is mapped by the local soil and water conservation district as Mahoning silt loam, a material consisting of glacial till deposited on glacial till plains on uplands. Also present in the site area is the Orrville silt loam, a material consisting of alluvium deposited on flood plains (USDA, 2020). A USDA Web Soil Survey site map is presented in Figure 2.

According to publicly available mine data from ODNR, no active or inactive surface or underground sand and gravel, limestone, or coal mining activities are present within the site footprint or surrounding areas.

According to 24k Ohio Division of Geological Survey (ODNR-DGS) Bedrock Geology Maps, bedrock in the area consists of the Cuyahoga Formation, of which major lithologies consist of shale, siltstone, and sandstone; with minor lithologies consisting of conglomerate and limestone. (Ohio Department of Natural Resources Division of Geological Survey, 1991). Bedrock is reported by ODNR-DGS at a range of approximately 1050 to 1100 feet MSL in elevation, which is 30 to 50 feet below of existing site grades. Geologic Map is presented in Figure 3.

FIELD INVESTIGATION & LABORATORY TESTING

Eighteen soil borings were advanced at the project site on May 23rd through May 27th, 2022, utilizing a CME-550 all-terrain, rotary drilling rig, with 3.25" hollow stem augers, operated by WGE drilling staff. The borings were advanced to depths of 10 to 20 feet below the existing grades. The boring locations were field marked by WGE personnel at the approximate locations shown on the attached Location Plan.

Standard penetration testing and sampling was performed at the depth intervals shown on the attached Soil Boring Logs utilizing a 140-lb automatic hammer falling 30 inches to drive a 2 inch outer-diameter split spoon sampler over three, six-inch intervals. Collected samples were examined and visually identified by our personnel in the field based on the visual-manual procedure (ASTM D-2488). Representative samples were retained and transported to our office, for further examination and the assignment of laboratory testing.

Moisture content testing was performed on selected representative samples per ASTM D-2216. Eighty-three (83) moisture content tests were conducted on the retained samples and test results are included on the attached Boring Logs.

Static groundwater level observations and hole depth soundings were made upon completion of each boring. This was followed by backfilling the holes. Groundwater level observations, made during the drilling of each boring, are indicated on the attached Soil Boring Logs. It should be noted that groundwater levels and zones of saturation should be expected to fluctuate seasonally based on variation in amounts of rainfall, evapotranspiration, runoff from impervious areas, and several other factors.

SUBSURFACE CONDITIONS

Soil boring data collected at the site indicated the presence of clay tills. These findings can be described for engineering purposes as the following:

- Topsoil depth in all the borings was 16" or less.
- Fill material, possible fill and/or probable fill were encountered in the upper region of every test boring with the exception of Borings B-3 and B-4. The fill typically extended to approximately 3 feet below the existing grades, and extended to 5.5 to 7 feet below grade in Borings B-7, B-9, B-10, B-11 and B-12. The fill material included the following: clayey fill which was damp to moist and soft to very stiff; silt, sand/gravel and sand fill which was dry to moist/wet and very loose to medium dense

- Natural (non-fill) soils included clay, silty clay, clayey silt, silt and sand soils as follows: clayey soils were damp to wet with a medium stiff to very stiff consistency; moist, loose to medium dense silt; and moist, medium dense sand. Damp to moist, medium stiff, stiff and very stiff clay soils were prevalent.
- Groundwater was encountered in Borings B-9 and B-11 at depths of 12 feet and 8 feet, respectively. After completion of drilling, groundwater was measured in the bore holes at 12 feet and 10.5 feet, respectively.

GEOTECHNICAL RECOMMENDATIONS

We offer the following for your consideration based on our analysis of the soil conditions encountered at the locations indicated; and the assumption that conditions between and away from the soil borings are similar to those that are known:

GENERAL CONSIDERATIONS

It is WGE's engineering opinion that the natural (non-fill) medium stiff clayey soils, loose and better sand, sand/gravel and silt soils, as well as compacted engineered fill are suitable for bearing the anticipated foundation, floor slab, and pavement loadings.

It is WGE's opinion that fill material, such as that encountered in most test borings to depths of 3 to 7 feet below grade, is not suitable for bearing foundation loads of the proposed structure. The fill material should be undercut to the underlying natural, stable soils and backfilled with compacted engineered fill. The undercut excavation should extend laterally beyond the slab a distance equal or greater than the difference in elevation between the bottom of the undercut and the planned subgrade elevation. In any location where footings will bear onto engineered fill, the bearing capacity of the footing subgrade should be verified by the geotechnical engineer or a field technician working under their direction.

The pavement subgrades should be densified via multiple passes of heavy compaction equipment and proof rolled. Any soft or yielding (pumping/rutting) areas should be undercut to a stable subgrade and backfilled with approved compacted engineered fill in accordance with the Earthwork General Guidelines below. The undercut excavation should extend laterally beyond the pavement limits a distance equal or greater than the difference in elevation between the bottom of the undercut and the planned subgrade elevation. The undercut and appropriate type and depth of stabilization should be determined in the field during earthwork operations by the Geotechnical Engineer or their designated representative.

Areas of soft and very loose fill material are present on the site. Areas of undercut within the parking lot should be anticipated.

Areas of upper moist and soft to medium stiff soils and fill material are generally weak and may not support heavy construction traffic. Earthwork during the drier summer months is recommend so that subgrade soils can be dried and recompacted.

Undercut material will likely be suitable for reuse as engineered fill. Moist to wet soils will require significant drying. If organic content exceeds 1%, the material should be wasted from the site.

Borings B-13, B-14 and B-15 were advanced within the three proposed stormwater management basins. The test borings encountered damp to moist clay fill and sandy silt fill and damp to moist natural clay soils. These soils are suitable for reuse as engineered fill. The moist soils may require moisture condition (drying) prior to compaction.

Recommendations are provided in the Earthwork General Guidelines section below for the quality, compaction, testing and inspection of engineered fill. Care should be taken to evaluate foundation, slab and pavement subgrades prior to stone or concrete placement. All subgrades should be observed by a qualified soils technician under the supervision of a geotechnical engineer, and field density tests should be made to ensure compaction to specification.

EARTHWORK GUIDELINES

- Prior to construction, all topsoil, vegetation, demolition debris, pavements, or other deleterious material should be completely stripped and grubbed from within the footprint of the proposed building and pavement areas and areas to be cut or to receive engineered fill, prior to construction.
- All surfaces cut to subgrade elevation, or subgrades to receive fill, should be proof rolled under the direction of an on-site geotechnical engineer or their direct assigns. Any areas of soft or yielding (pumping/rutting) soils, or obviously contaminated zones, should be undercut to underlying, stable soils and replaced with stable, compacted engineered fill, or stabilized in place as directed by the engineer. As a general guide, in-place stabilization could include undercutting 18 to 36 inches of the yielding soils and replacing the undercut soils with a layer of construction grade geogrid and an appropriate layer of stone; chemically stabilizing the upper 12 to 16 inches of the yielding soils; or moisture conditioning and recompacting the unstable soils until they are stable. The appropriate type and depth of stabilization should be determined in the field during earthwork operations by the Geotechnical Engineer or their designated representative.
- The engineered fill should be clean, inert soil which should be approved by the geotechnical engineer. The engineered fill should have a dry density greater than 100 pcf, liquid limit less than 50% and an organic content less than 1%.
- Engineered fill material should be placed on the approved subgrade in controlled lifts. Each lift should be compacted to a stable condition at a minimum of 98% maximum dry density per ASTM D-698, with a moisture content between 2.0% below to 2.0% over optimum moisture. All filling operations should be observed by a qualified soils technician under the supervision of a geotechnical engineer. Field density tests should be made to ensure compaction to specification.

- All surfaces should be sealed and sloped after each day or prior to inclement weather to promote positive drainage of water offsite.
- Construction traffic should be kept off any wet subgrades. If site work is performed during times of drier weather, the need for additional repairs and stabilization to the subgrade may be substantially reduced. Therefore, it is recommended that site work be performed during these times.

BUILDING BEARING CAPACITY AND FOUNDATIONS

Conventional shallow spread and strip footings are recommended for transmitting structural loads to the subsoil. Estimated maximum total and differential settlements for footings designed in accordance with the recommendations provided in this report are approximately 1 and 0.5 inches, respectively.

In general, the native (non-fill) medium stiff clays, loose silts or approved compacted engineered fill materials can support a maximum net allowable bearing pressure of 2,000 psf. The following provisions for foundation design and construction should apply:

- The foundation subgrades, for an allowable design bearing pressure of 2,000 psf, should consist of natural medium stiff or better clay soil, loose or better sand and silt soils, or approved engineered fill. The foundation subgrade should be evaluated and approved by a geotechnical engineer, or their representative, prior to concrete placement. Any deleterious foundation subgrade soils be undercut and backfilled with lean concrete or compacted stone as directed by our field engineer.
- Foundation subgrades should be concreted in a dry and frost-free condition as soon after exposure as possible.
- The ground surface, surrounding the building should be graded to direct surface drainage of water away from all exterior foundation walls and members.
- All exterior footings should be located below the depth of potential frost penetration (42 inches).

GROUNDWATER AND EXCAVATIONS

Groundwater was encountered in two of the test borings. It is our opinion that any water influx into the excavations less than 20 feet below existing grades can likely be controlled by pumping from local sumps within the excavation.

Excavations should either be sloped back or shored in accordance with Occupational Safety & Health Administration (OSHA) regulations and any other applicable local codes. Parameters for design of temporary shoring are included in those regulations. Due to the presence of very loose uncontrolled fill material on the site, with respect to temporary excavation side slopes, the site

soils should be classified as Type "C" per OSHA. Therefore, temporary excavations should be cut back to a temporary slope no steeper than a 1.5:1 (horizontal: vertical).

The existing soils encountered onsite can likely be excavated with a medium-sized hydraulic excavator equipped with a standard earth bucket.

SEISMIC SITE CLASSIFICATION

The seismic design requirements for buildings and other structures are based on Seismic Design Category. Seismic Site Classification is required to determine the Seismic Design Category for a structure. The Seismic Site Classification is based on the upper 100 feet of the site profile defined by a weighted average value of either shear wave velocity, Standard Penetration Test (SPT) resistance, or undrained shear strength in accordance with Section 20.4 of ASCE 7. Borings at this site were extended to a maximum depth of 20 feet. The site properties below the boring depths to 100 feet were estimated based on our experience and knowledge of geologic conditions of the general area.

Based upon the stratigraphy encountered in the borings and the SPT blow counts, it is the opinion of WGE that the site is best characterized as Seismic Site Class "D". This Seismic Site Classification should be used for design of the structure, according to the Ohio Building Code and Related Codes, section 1613.5.2 "Site Class Definitions."

FLOOR SLAB AND PAVEMENT SUPPORT

Concrete floor slabs would be adequately supported on stable, approved site soils prepared according to *Earthwork Guidelines* and on stable engineered fill placed and compacted to the above-provided specifications. Any areas of soft or yielding (pumping/rutting) soils, or obviously contaminated zones, should be undercut to underlying, stable soils and replaced with stable, compacted engineered fill, or stabilized in place as directed by the engineer. As a general guide, in-place stabilization could include undercutting 18 to 36 inches of the yielding soils and replacing the undercut soils with a layer of construction grade geogrid and an appropriate layer of stone; chemically stabilizing the upper 12 to 16 inches of the yielding soils; or moisture conditioning and recompacting the unstable soils until they are stable. The appropriate type and depth of stabilization should be determined in the field during earthwork operations by the Geotechnical Engineer or their designated representative.

Floor slab-on-grade subgrades should be evaluated prior to stone placement by our personnel. All interior floor slabs should be provided with a minimum of 4 inches of free-draining granular subbase (ODOT #57 limestone or an approved equivalent) with a suitable vapor barrier. All exterior concrete slabs should have a minimum of 4 inches of #304 crushed limestone base.

Asphalt and/or concrete pavement would be suitable for the pavement areas. The pavement subgrade should be proof rolled to identify areas which may be unsuitable for bearing pavement loadings. Any soft or yielding (pumping/rutting) areas should be undercut to a stable subgrade

and backfilled with approved compacted engineered fill or stone in accordance with the *Earthwork General Guidelines*.

The parking lot should consist of a minimum of 6 inches of #304 crushed limestone, 2.5 inches of #441 Type II intermediate course, and 1.5 inches of #441 Type I finish course. This pavement section assumes that the parking lot will only be used for lightweight traffic. The pavement section for the main drive lane should consist of 6 inches of #304 crushed limestone, 5 inches of #441 Type II intermediate course, and 1.5 inches of #441 Type I finish course.

If construction traffic is planned to use the pavement, we recommended that the "construction work area" consist of a minimum of 5 inches of #441 Type II intermediate course over 6 inches of #304 stone base. Construction traffic, with studded tires, should be kept off the asphalt pavement.

Catch basins should be provided with finger drains to allow drainage of the stone base. The pavement subgrade is not considered free draining.

STANDARD OF CARE AND LIMITATIONS

Our recommendations for this project were developed utilizing the project information provided to WGE and the soil information obtained from the test borings that were made at the project site. The test borings only depict the soil and rock conditions at the specified locations and time at which they were made. The soil conditions at other locations on the site may differ from those occurring at the boring locations. Additionally, the conclusions and recommendations have been based upon the available soil information and the design details furnished to us. We should be immediately notified, if during construction, any conditions different from those found in this investigation are evident or our project assumptions or understanding are incorrect. We will advise you of any modifications to our conclusions and recommendations deemed necessary, after observing the exposed conditions and/or changes to the project scope. The scope of our services does not include any environmental assessment or investigation for the presence or absence of hazardous or toxic materials in the soil, groundwater, or surface water within or beyond the site studied.

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. Wertz Geotechnical Engineering, Inc. is not responsible for the conclusions, opinions, or recommendation made by others based upon the data included herein.

We hope you will find this report satisfactory. Please contact our office if we can be of further service or you have questions regarding this submittal.

Respectfully submitted,



Leroy Wertz, P.E.
Senior Geotechnical Engineer



Kelly Luecke, P.E.
Project Engineer



FIGURE 1

Geotechnical Boring Location Map

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WERTZ
GEOTECHNICAL
ENGINEERING

400 Collier Drive, Doylestown, Ohio 44230

330-991-0041

OFFICE@WERTZGEO.COM

GEOTECHNICAL BORING LOCATION MAP

CLIENT
**BILTMORE
HEALTH CARE, LLC**
30050 CHAGRIN BLVD.,
SUITE 100, PEPPER PIKE OH
44124

SITE
**MAYFIELD ROAD &
CAVES ROAD,
CHESTERLAND, OH 44026**

PROJECT NAME
**NEW NURSING HOME,
CHESTERLAND,
GEAUGA COUNTY**

LAYOUT BY CD	DATE: 6/1/2022
DRAWN BY CD	FIGURE NO. 1
CHECKED BY LW	

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FIGURE 2

USDA Web Soil Survey Map

Soil Map—Geauga County, Ohio







































Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/2/2022
Page 1 of 3

Soil Map—Geauga County, Ohio

MAP LEGEND

Area of Interest (AOI)		Area of Interest (AOI)
Soils		Soil Map Unit Polygons
		Soil Map Unit Lines
		Soil Map Unit Points
Special Point Features		Blowout
		Borrow Pit
		Clay Spot
		Closed Depression
		Gravel Pit
		Gravelly Spot
		Landfill
		Lava Flow
		Marsh or swamp
		Mine or Quarry
		Miscellaneous Water
		Perennial Water
		Rock Outcrop
		Saline Spot
		Sandy Spot
		Severely Eroded Spot
		Sinkhole
		Slide or Slip
		Sodic Spot
		Spoil Area
		Stony Spot
		Very Stony Spot
		Wet Spot
		Other
		Special Line Features
Water Features		Streams and Canals
Transportation		Ralls
		Interstate Highways
		US Routes
		Major Roads
		Local Roads
Background		Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Geauga County, Ohio
Survey Area Data: Version 22, Sep 8, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 17, 2020—Sep 22, 2020

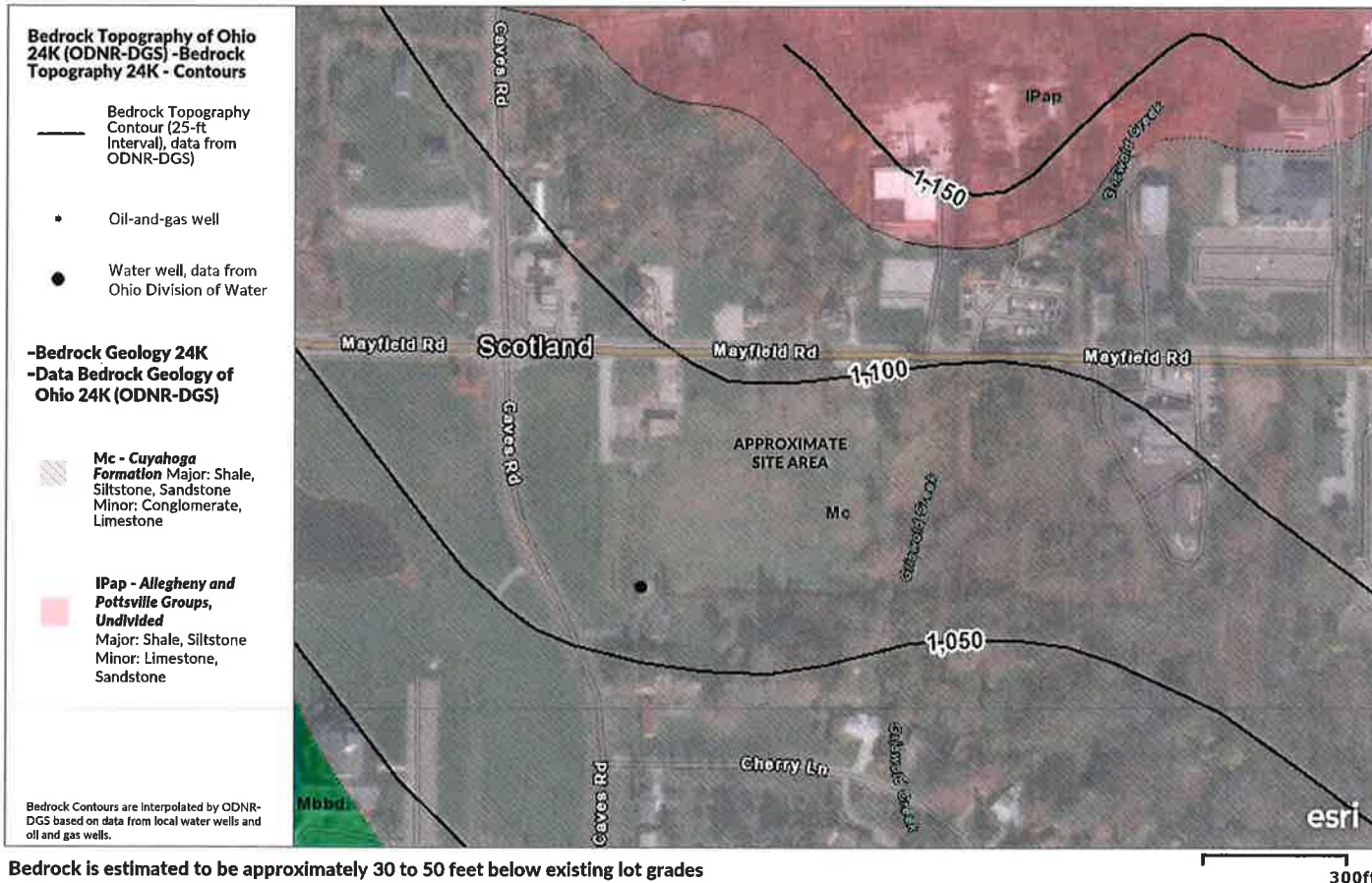
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
MgA	Mahoning silt loam, 0 to 2 percent slopes	2.5	26.2%
MgB	Mahoning silt loam, 2 to 6 percent slopes	5.2	53.9%
Or	Orrville silt loam, frequently flooded	1.9	19.8%
Totals for Area of Interest		9.6	100.0%

FIGURE 3
ODNR Bedrock Geology Map

NEW NURSING HOME FACILITY PROJECT GEOLOGIC MAP



Ohio Department of Natural Resources-Division of Geological Survey | MaxaMicrosoft | Esri Community Maps Contributors, Cuyahoga CountyBuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

ATTACHMENT A

Geotechnical Boring Logs



WERTZ GEOTECHNICAL ENGINEERING, INC.
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400 COLLIER DRIVE
DOYLESTOWN, OHIO, 44230
(330) 991-0041

PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-1 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/26/2022
LOGGED BY: JR AUGER SIZE: 3.25 inches DATE COMPLETED: 5/26/2022
DRILL CREW: JA & DM HAMMER: Auto SPT ELEVATION: 1127 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 20' CAVE DEPTH: 12.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS	---	1	---		12" TOPSOIL.
2	1	1.0-2.5	2-5-5	12	1.5		FILL: Moist, stiff, brown and gray, CLAY, some silt, minor fine to coarse sand, trace organics. Wn%: 18.3
3							
4	2	3.5-5.0	3-6-7	15	4.5		FILL: Moist, stiff, brown, CLAY, minor silt and fine to coarse sand. Wn%: 14.5
5							
6							
7	3	6.0-7.5	3-6-9	18	4.5		Moist, stiff, brown and gray, CLAY, minor silt and fine to coarse sand, trace organics. Wn%: 14.5
8							
9	4	8.5-10.0	5-8-11	17	5+		Moist, very stiff, brown, silty CLAY, minor fine to coarse sand. Wn%: 13.1
10							
11							
12							
13							
14	5	13.5-15.0	2-3-5	16	2		Moist, medium stiff, gray, CLAY, some silt, minor fine to coarse sand and gravel. Wn%: 12.2
15							
16							
17							
18							
19	6	18.5-20.0	2-3-5	17	1.5		Moist, medium stiff, gray, CLAY, minor silt and fine to coarse sand. Wn%: 11.1
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
21							
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-2 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/27/2022
LOGGED BY: JR AUGER SIZE: 3.25 Inches DATE COMPLETED: 5/27/2022
DRILL CREW: JA & JR HAMMER: Auto SPT ELEVATION: 1132 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 15' CAVE DEPTH: 0'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL
2	1	1.0-2.5	2-4-7	12	5+		POSSIBLE FILL: Damp, stiff, brown, silty CLAY, minor fine to coarse sand, trace organics. Wn%: 14.0
3							
4	2	3.5-5.0	5-8-10	16	5+		Damp, very stiff, brown CLAY, some silt, minor fine to coarse sand. Wn%: 14.2
5							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
6							Note: Rig malfunction, drilling stopped at 5' instead of 15'.
7							
8							
9							
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: Probe BORING ID: B-3 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/23/2022
LOGGED BY: NK AUGER SIZE: 2.25 inches DATE COMPLETED: 5/23/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1134 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 15' CAVE DEPTH: 12'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					15" TOPSOIL.
2	1	1.0-2.5	2-2-3	18	2.75		Damp, medium stiff, brown, CLAY, minor silt, trace sand and organics. Wn%: 19.8
3							
4	2	3.5-5.0	6-8-9	18	5		Damp, very stiff, brown, CLAY, minor silt, trace sand. Wn%: 15.0
5							
6							
7							
8							
9	3	8.5-10.0	4-9-8		3.25		Damp to moist, very stiff, brown and gray, clayey SILT, minor fine to coarse sand, trace gravel. Wn%: 14.0
10							
11							
12							
13							
14	4	13.5-15.0	2-3-4	18	2.5		Moist, medium stiff, gray, CLAY, some silt, minor fine to coarse sand, trace gravel. Wn%: 12.2
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
16							
17							
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-4 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/25/2022
LOGGED BY: NK AUGER SIZE: 3.25 inches DATE COMPLETED: 5/25/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1138 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 20' CAVE DEPTH: 15.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSP)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL
2	1	1.0-2.5	2-3-5	18	3.5		Moist, medium stiff, brown, CLAY, minor silt, trace sand. Wn%: 19.7
3							
4	2	3.5-5.0	4-7-8	18	5		Damp, stiff, brown and gray, CLAY, minor silt, trace sand. Wn%: 16.1
5							
6							
7							
8							
9	3	8.5-10.0	5-7-9	18	4.5		Moist, stiff, gray, CLAY, minor silt, trace sand. Wn%: 14.0
10							
11							
12							
13							
14	4	13.5-15.0	3-4-5	18	3		Moist, stiff, gray, CLAY, some silt, trace sand. Wn%: 12.1
15							
16							
17							
18							
19	5	18.5-20.0	2-3-4	18	2		Moist, medium stiff, gray, CLAY, minor silt and fine to coarse sand. Wn%: 13.6
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
21							
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PROJECT: New Nursing Home Facility	PROJECT NO.: 20221109	DRILL RIG: CME 550	BORING ID: B-5	Page 1 of 1
LOCATION: Chesterland, Ohio		METHOD: Hollow Stem	DATE STARTED: 5/26/2022	
LOGGED BY: JR		AUGER SIZE: 3.25 inches	DATE COMPLETED: 5/26/2022	
DRILL CREW: JA & DM		HAMMER: Auto SPT	ELEVATION: 1126 feet MSL	
GROUNDWATER ENCOUNTER DEPTH: None	GROUNDWATER AT COMPLETION: None	TOTAL DEPTH: 20'	CAVE DEPTH: 17'	

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL
2	1	1.0-2.5	0-1-2	14	0.5		FILL: Moist, soft, brown and gray, CLAY, some silt, minor fine to coarse sand, trace organics. Wn%: 24.4
3							
4	2	3.5-5.0	2-3-4	16	1		Moist, medium stiff, brown and gray, CLAY, some silt, minor fine to coarse sand, trace organics. Wn%: 22.0
5							
6							
7	3	6.0-7.5	4-8-12	18	5+		Moist, very stiff, gray, CLAY, minor silt and fine to coarse sand. Wn%: 14.2
8							
9	4	8.5-10.0	4-7-10	18	5+		Moist, very stiff, gray, CLAY, some silt, minor fine to coarse sand. Wn%: 12.8
10							
11							
12							
13							
14	5	13.5-15.0	3-3-4	18	2		Moist, medium stiff, gray, CLAY, some silt, minor fine to coarse sand. Wn%: 14.8
15							
16							
17							
18							
19	6	18.5-20.0	2-3-5	18	2.75		Moist, medium stiff, gray, silty CLAY, minor fine to coarse sand. Wn%: 11.3
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
21							
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-6 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/26/2022
LOGGED BY: JR AUGER SIZE: 3.25 inches DATE COMPLETED: 5/26/2022
DRILL CREW: JA & DM HAMMER: Auto SPT ELEVATION: 1133 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 15' CAVE DEPTH: 7'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL
2	1	1.0-2.5	0-1-2	13	1		FILL: Moist, soft, brown and gray, silty CLAY, minor fine to coarse sand, trace organics. Wn%: 33.5
3							
4	2	3.5-5.0	5-7-8	13	5		Moist, stiff, brown, CLAY, some silt, minor fine to coarse sand. Wn%: 16.9
5							
6							
7							
8							
9	3	8.5-10.0	8-11-17	8	5+		Moist, very stiff, gray, CLAY, minor silt and fine to coarse sand and gravel. Wn%: 13.1
10							
11							
12							
13							
14	4	13.5-15.0	3-4-6	17	1.75		Moist, stiff, gray, CLAY, some silt, minor fine to coarse sand. Wn%: 15.8
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
16							
17							
18							
19							
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-7 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/25/2022
LOGGED BY: NK AUGER SIZE: 3.25 inches DATE COMPLETED: 5/25/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1128 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 20' CAVE DEPTH: 15'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS	--	--	--		11" TOPSOIL
2	1	1.0-2.5	0-1-2	9			FILL: Dry, very loose, brown, SILT, minor clay and fine sand, trace organics. Wn%: 49.1
3							
4	2	3.5-5.0	0-2-3	12	1.5		FILL: Moist, medium stiff, brown, CLAY, minor silt and organics, trace sand. NOTE: Metal rubble encountered while pulling augers, likely in first 6'. Wn%: 24.8
5							
6							TOP 3": FILL: Moist, medium stiff, brown, CLAY, minor silt and organics, trace sand.
7	3	6.0-7.5	3-9-10	18	4.5		BOTTOM 15": Damp, very stiff, gray, CLAY, some silt, minor fine to coarse sand. Wn%: 17.3
8							
9	4	8.5-10.0	8-9-13	18	4		Moist, very stiff, brown, CLAY, some silt, minor fine to coarse sand. Wn%: 12.9
10							
11							
12							
13							
14	5	13.5-15.0	4-4-5	18			Moist, loose, gray, SILT, minor clay and fine sand, trace gravel. Wn%: 14.8
15							
16							
17							
18							
19	6	18.5-20.0	2-3-4	18	1		Moist, medium stiff, gray, CLAY, minor silt, trace sand and gravel. Wn%: 15.7
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-8 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/26/2022
LOGGED BY: JR AUGER SIZE: 3.25 inches DATE COMPLETED: 5/26/2022
DRILL CREW: JA & DM HAMMER: Auto SPT ELEVATION: 1128 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 15' CAVE DEPTH: 9'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL.
2	1	1.0-2.5	3-7-7	7	5+		FILL: Moist, stiff, brown, CLAY, some silt, minor fine to coarse sand, Wn%: 17.8
3							
4	2	3.5-5.0	3-7-8	12	4.5		Moist, stiff, brown, CLAY, some silt, minor fine to coarse sand, Wn%: 13.0
5							
6							
7							
8							
9	3	8.5-10.0	3-6-9	15			Moist, stiff, gray, CLAY, some silt, minor fine to coarse sand, Wn%: 13.7
10							
11							
12							
13							
14	4	13.5-15.0	2-5-7	9			Moist, stiff, gray, CLAY, some silt, minor fine to coarse sand and gravel, Wn%: 13.6
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-9 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/26/2022
LOGGED BY: JR AUGER SIZE: 3.25 inches DATE COMPLETED: 5/26/2022
DRILL CREW: JA & DM HAMMER: Auto SPT ELEVATION: 1129 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: 12' TOTAL DEPTH: 15' CAVE DEPTH: 12.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL.
2	1	1.0-2.5	2-4-4	9			FILL: Damp, medium stiff, brown, clayey SILT, trace sand. Wn%: 17.4
3							
4	2	3.5-5.0	4-6-9	16			POSSIBLE FILL: Damp, stiff, brown, clayey SILT, trace sand. Wn%: 16.2
5							
6							
7	3	6.0-7.5	3-6-9	18			Moist, medium dense, brown, fine to coarse SAND, some silt. Wn%: 11.7
8							
9	4	8.5-10.0	6-9-10	18			Damp, very stiff, brown, CLAY, some silt and fine to coarse sand, trace gravel. Wn%: 12.9
10							
11							
12							
13							
14	5	13.5-15.0	2-4-6	17	2		Wet, stiff, gray, CLAY, minor coarse sand. NOTE: Probable wet sand seam present. Wn%: 16.6
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: Probe BORING ID: B-10 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/23/2022
LOGGED BY: NK AUGER SIZE: 2.25 inches DATE COMPLETED: 5/23/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1133 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 15' CAVE DEPTH: 12'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSP)	GRAPHIC LOG	LITHOLOGY
1		AS					13" TOPSOIL.
2	1	1.0-2.5	2-6-5	18	2.5		FILL: Moist, medium dense, brown, SILT, minor fine to coarse sand and gravel and clay. Wn%: 18.7
3							
4	2	3.5-5.0	1-2-5	18	4.5		PROBABLE FILL: Damp to moist, medium stiff, brown and gray, CLAY, minor silt, trace sand and organics. Wn%: 17.6
5							
6							
7							
8							
9	3	8.5-10.0	3-7-13	18	5		Damp, very stiff, brown and gray, CLAY, some silt, trace sand and gravel. Wn%: 11.6
10							
11							
12							
13							
14	4	13.5-15.0	2-3-5	18	2.75		Damp to moist, medium stiff, gray, silty CLAY, trace sand and gravel. NOTE: Sand seam encountered. Wn%: 15.2
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-11 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/25/2022
LOGGED BY: NK AUGER SIZE: 3.25 inches DATE COMPLETED: 5/25/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1132 feet MSL
GROUNDWATER ENCOUNTER DEPTH: 8' GROUNDWATER AT COMPLETION: 10.5' TOTAL DEPTH: 15' CAVE DEPTH: 11.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLANDFOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		A5					12" TOPSOIL
2	1	1.0-2.5	2-2-2	10			FILL: Damp, loose, black, SILT, minor fine to coarse sand and clay. Wn%: 30.8
3							
4	2	3.5-5.0	0-0-3	18			FILL: Moist to wet, very loose, fine sandy SILT, minor clay and organics. Wn%: 30.8
5							
6							
7	3	6.0-7.5	5-8-11	18	3		Damp, very stiff, brown, CLAY, some silt, minor fine to coarse sand. NOTE: Auger cuttings wet. Sand seam present. Wn%: 13.1
8							
9	4	8.5-10.0	5-6-8	18			Moist, medium dense, brown, SILT, minor fine to coarse sand, trace clay. Wn%: 11.1
10							
11							
12							
13							
14	5	13.5-15.0	1-3-4		1.5		Moist, medium stiff, gray, CLAY, minor silt, trace sand. Wn%: 17.1
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-12 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/25/2022
LOGGED BY: NK AUGER SIZE: 3.25 inches DATE COMPLETED: 5/25/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1129 feet MSL
GROUNDWATER ENCOUNTER DEPTH: 12' GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 20' CAVE DEPTH: 14.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL.
2	1	1.0-2.5	5-17-8	16			FILL: Dry, medium dense, black, fine to coarse SAND AND GRAVEL, minor asphalt and concrete fragments. Wn%: 6.1
3							
4	2	3.5-5.0	1-2-2	18			FILL: Damp, loose, gray, silty fine to coarse SAND, trace clay and organics. Wn%: 70.0
5							
6							
7	3	6.0-7.5	2-7-9	18	5		Damp, stiff, brown, CLAY, some silt, minor fine to coarse sand and gravel. Wn%: 15.6
8							
9	4	8.5-10.0	6-12-17	18	5+		Damp, very stiff, brown, CLAY, some silt, minor fine to coarse sand. Wn%: 14.1
10							
11							
12							
13							
14	5	13.5-15.0	4-6-8	18	4		Damp, stiff, gray, CLAY, some silt, minor fine to coarse sand and gravel. Wn%: 11.8
15							
16							
17							
18							
19	6	18.5-20.0	4-6-8	18	3.5		Moist, stiff, gray, silty CLAY, minor fine sand, trace gravel. Wn%: 12.6
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: Probe BORING ID: B-13 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/23/2022
LOGGED BY: NK AUGER SIZE: 2.25 inches DATE COMPLETED: 5/23/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1133 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 20' CAVE DEPTH: 17'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					16" TOPSOIL
2	1	1.0-2.5	1-2-3	18	2		PROBABLE FILL: Moist, medium stiff, brown, CLAY, minor silt and fine sand, trace organics. Wn%: 23.2
3							
4	2	3.5-5.0	4-7-7	18	3.5		Damp, stiff, brown, silty CLAY, minor fine to coarse sand. Wn%: 11.9
5							
6							
7							
8							
9	3	8.5-10.0	6-8-10	18	4.5		Damp, very stiff, gray, CLAY, some silt, minor fine to coarse sand. Wn%: 12.4
10							
11							
12							
13							
14	4	13.5-15.0	4-4-6		2.5		Moist, stiff, gray, CLAY, minor silt and fine to coarse sand. Wn%: 12.6
15							
16							
17							
18							
19	5	18.5-20.0	4-7-6		3.5		Moist, stiff, gray, silty CLAY, minor fine to coarse sand. NOTE: Wet sand seam encountered. Wn%: 11.5
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: Probe BORING ID: B-14 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/23/2022
LOGGED BY: NK AUGER SIZE: 2.25 inches DATE COMPLETED: 5/23/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1138 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 15' CAVE DEPTH: 7'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOWCOUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL.
2	1	1.0-2.5	4-3-3	16			PROBABLE FILL: Damp to moist, loose, brown, fine to coarse sandy SILT, minor clay, trace gravel. Wn%: 20.9
3							
4	2	3.5-5.0	1-4-5	18	5		Damp, stiff, brown, silty CLAY, minor fine to coarse sand. Wn%: 14.6
5							
6							
7							
8							
9	3	8.5-10.0	5-11-10	18	5		Damp, very stiff, brown and gray, silty CLAY, minor fine to coarse sand, trace gravel. Wn%: 15.1
10							
11							
12							
13							
14	4	13.5-15.0	4-5-8		2.75		Damp, stiff, gray, CLAY, minor silt and fine to coarse sand. Wn%: 13.5
15							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-15 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/25/2022
LOGGED BY: NK AUGER SIZE: 3.25 inches DATE COMPLETED: 5/25/2022
DRILL CREW: BK & JR HAMMER: Auto SPT ELEVATION: 1123 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 20' CAVE DEPTH: 13.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS	---	---	---		5" TOPSOIL
2	1	1.0-2.5	3-2-5	18	3		FILL: Damp, medium stiff, brown, silty CLAY, minor fine to coarse sand. Wn%: 17.6
3							
4	2	3.5-5.0	5-6-8	18	5		Damp, stiff, brown, CLAY, some silt, minor fine to coarse sand. Wn%: 13.9
5							
6							
7							
8							
9	3	8.5-10.0	4-4-6	18	1		Moist, stiff, gray, CLAY, minor silt and fine to coarse sand. Wn%: 16.1
10							
11							
12							
13							
14	4	13.5-15.0	2-4-5	18	1.5		Moist, stiff, gray, CLAY, minor silt and fine sand. Wn%: 14.4
15							
16							
17							
18							
19	5	18.5-20.0	2-4-5	18	1.5		Moist, stiff, gray, CLAY, minor silt and fine to coarse sand, trace gravel. Wn%: 13.0
20							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-16 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/27/2022
LOGGED BY: JR AUGER SIZE: 3.25 inches DATE COMPLETED: 5/27/2022
DRILL CREW: JA & JR HAMMER: Auto SPT ELEVATION: 1124 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 10' CAVE DEPTH: 4.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOW/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL
2	1	1.0-2.5	1-3-5	13	3		POSSIBLE FILL: Moist, medium stiff, brown and gray CLAY, minor silt and fine to coarse sand. Wn%: 21.0
3							
4	2	3.5-5.0	7-9-10	16	5+		Damp to moist, very stiff, brown and gray CLAY, minor silt and fine to coarse sand. Wn%: 16.4
5							
6							
7	3	6.0-7.5	7-10-15	18	5+		Damp to moist, very stiff, brown and gray CLAY, minor silt and fine to coarse sand, trace gravel. Wn%: 14.8
8							
9	4	8.5-10.0	7-11-15	16	5+		Damp to moist, very stiff, brown CLAY, some silt, minor fine to coarse sand. Wn%: 12.6
10							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT:	New Nursing Home Facility	PROJECT NO.:	CME 550	BORING ID:	B-17	Page 1 of 1
LOCATION:	Chesterland, Ohio	20221109	METHOD:	Hollow Stem	DATE STARTED:	5/27/2022
LOGGED BY:	JR		AUGER SIZE:	3.25 inches	DATE COMPLETED:	5/27/2022
DRILL CREW:	JA & JR		HAMMER:	Auto SPT	ELEVATION:	1126 feet MSL
GROUNDWATER ENCOUNTER DEPTH:	None	GROUNDWATER AT COMPLETION:	None	TOTAL DEPTH:	CAVE DEPTH:	4'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHICAL LOG	LITHOLOGY
1		AS	--	--	--		12" TOPSOIL
2	1	1.0-2.5	2-4-4	12	3.25		FILL: Moist, medium stiff, brown CLAY, minor silt and fine to coarse sand, trace organics. Wn%: 20.3
3							
4	2	3.5-5.0	4-7-9	14	5+		Damp to moist, stiff, brown CLAY, some silt, minor fine to coarse sand, trace gravel. Wn%: 13.8
5							
6							
7	3	6.0-7.5	5-10-14	18	5+		Damp to moist, very stiff, brown CLAY, some silt, minor fine to coarse sand, trace gravel. Wn%: 15.2
8							
9	4	8.5-10.0	4-9-12	18	5+		Damp to moist, very stiff, brown CLAY, minor silt and fine to coarse sand, trace rock fragments. Wn%: 14.2
10							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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PROJECT: New Nursing Home Facility PROJECT NO.: 20221109 DRILL RIG: CME 550 BORING ID: B-18 Page 1 of 1
LOCATION: Chesterland, Ohio METHOD: Hollow Stem DATE STARTED: 5/27/2022
LOGGED BY: JR AUGER SIZE: 3.25 inches DATE COMPLETED: 5/27/2022
DRILL CREW: JA & JR HAMMER: Auto SPT ELEVATION: 1131 feet MSL
GROUNDWATER ENCOUNTER DEPTH: None GROUNDWATER AT COMPLETION: None TOTAL DEPTH: 10' CAVE DEPTH: 4.5'

DEPTH (FEET)	SAMPLE NUMBER	SAMPLE DEPTH	BLOW COUNTS (BLOWS/FOOT)	RECOVERY (INCHES)	POCKET PEN (TSF)	GRAPHIC LOG	LITHOLOGY
1		AS					12" TOPSOIL
2	1	1.0-2.5	3-5-9	14	3.5		FILL: Damp, stiff, brown and gray, CLAY, some silt, minor fine to coarse sand, trace organics, Wn%: 15.7
3							
4	2	3.5-5.0	4-6-8	17	5+		Moist, stiff, brown and gray, CLAY, some silt, minor fine to coarse sand, Wn%: 12.9
5							
6							
7	3	6.0-7.5	5-8-12	18	5+		Moist, very stiff, brown and gray, CLAY, minor silt and fine to coarse sand, Wn%: 13.6
8							
9	4	8.5-10.0	4-6-9	15	3.5		Moist, stiff, gray, CLAY, minor silt, trace fine to coarse sand. NOTE: Shale at very bottom and possible residuum, Wn%: 15.1
10							Note: Ground surface elevations at boring locations estimated using data provided by Google Earth Pro.
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TO: Chester Township Zoning Commission

FROM: Cathy Cotman

Date: June 1, 2022

RE: Review comments regarding Zoning Amendment ZC 2022-3—Caves Rd. LLC

This amendment should be denied for the following five major reasons: 1) its complete nonconformance with Chester's Comprehensive Plan; 2) the absence of the zoning commissions involvement in development of the rules; 3) the inadequacy of the text as written; 4) limitations of existing township infrastructure to support such development, specifically public water and EMS services; and 5) the wide-spread opposition to this proposal by Chester residents.

COMPLETE NONCONFORMANCE WITH CHESTER'S COMPREHENSIVE PLAN

The Ohio Revised Code (ORC) grants the power to regulate township zoning to the trustees in the interest of public health and safety, public convenience, comfort, prosperity, and general welfare. However, the ORC does not grant them unconstrained authority to do so. The ORC [519.02]] clearly stipulates that zoning regulations "be in accordance with a comprehensive plan." This amendment doesn't even come close to being in accordance with Chester's comprehensive plan. In fact, it is in complete nonconformance with the township's comprehensive plan. Here are the specifics:

1. The Chester Township Comprehensive Plan/Land Use Plan, by design, divides the township into separate and distinct districts. Based on that plan, our current zoning provides for the balanced and orderly separation of four very different types of land use and development patterns: 1) residential; 2) general commercial; 3) shopping center; and 4) industrial. This amendment would allow the inter-mixing of random housing facilities throughout our commercial district in complete disregard for Chester's primary zoning structure—uniform and compatible types of uses within a given zoning district.

The township's guide plan called "Chester toward the future- guide plan 1995" [aka the Estrin Plan], defines our commercial district as land areas developed for the primary purpose of providing retail businesses; personal services; and professional/business offices. Our comprehensive plan/land use plan makes no mention or recommendation for inclusion of congregate housing, or any other type of housing into our commercially zoned district.

2. The Estrin Plan makes specific recommendation that the "historic Central Business District" (the area in and around the intersection of Mayfield and Chillicothe Roads) remain the commercial activity center of the township and its viability be encouraged and strengthened. The West Geauga Plaza sits at the core of our central business district and serves as the anchor for retail establishments that serve Chester's residents. If passed, this amendment would allow the owner of the West Geauga Plaza (Tom Basista—the party requesting this amendment,) to construct high-density congregate housing facilities on the plaza property, which would be in complete disregard for the intent of our current zoning and our comprehensive/land use plan that stresses the importance of our central business district to our community.

Over the past several decades, the township has engaged numerous planning consultants; and planning and zoning commissions to review and update our land use plan and zoning resolution. Not one of them has made recommendation to allow housing at the center of town.

CONCLUSION: *Approval of this amendment would violate the Ohio Revised Code because it is not “in accordance with Chester’s comprehensive plan”. The fact that this amendment fails to meet that fundamental requirement, should result in its denial.*

CAVES ROAD, LLC, A PROPERTY OWNER, PREPARED THE TEXT FOR THE AMENDMENT—NOT THE CHESTER TOWNSHIP ZONING COMMISSION

While the Ohio Revised Code (ORC) allows property owners to file application for zoning amendments, a zoning amendment of this significance, should, by any reasonable persons assessment, be developed by the township zoning commission.

This amendment was initiated by a property owner- Caves Road, LLC, under the management/ownership of Tom Basista. Mr. Basista also owns several other commercial properties in Chesterland, under various business names, including the West Geauga Plaza,.

Language proposed in amendments submitted by a property owner is actually written by the property owner or a representative on their behalf. So, in this case, the Chester Township Zoning Commission was not involved in the development of the rules or its language. If our zoning commission had developed a zoning modification of this magnitude, it most likely would have taken over two years of research, discussion and review to determine 1) the extent of necessary regulations; 2) specific locations suitable for this type of development (if any); and 3) the actual text of the regulation.

This proposal is truly a monumental departure from our current zoning in both concept—the allowance for high-density housing facilities in lieu of our current semi-rural zoning based on our land-use capability; and magnitude—proposing it be allowed anywhere in our commercial districts where property owners could cobble up 10 acres of land.

In accordance with Ohio law, when a property owner makes application to amend the zoning resolution, the clock starts and our zoning commission must start the process and schedule a public hearing between 20 and 40 days of receiving the application. It’s a rush--rush process that, in my opinion, does not allow the zoning commission, planning commission, township trustees or the general public ample time to review and consider all consequences of the rules that are being proposed by the property owner/developer.

CONCLUSION: *Excluding the Chester Township Zoning Commission in the drafting of major new zoning regulations increases the likelihood of inherent mistakes and subsequent unintended consequences resulting in both 1) unplanned growth and development; and 2) the incompatibility of a mixture of land uses. The size and location of land uses based on environmental infrastructure availability (water and sewer), essential services (EMS, fire, police etc.) can be best allocated in the proper amounts and in the best locations by our own zoning commission in conjunction with their own planning/zoning consultants. There’s a high probability that allowing the landowner/developer to author the zoning regulations that govern their own desired project may serve to be in the best interest of the landowner/developer instead of in the best interest of our community and its residents. Perhaps that’s why we find so many inadequacies in the text of their proposed amendment.*

INADEQUACY OF THE AMENDMENT TEXT

The language of this amendment is wholly inadequate for proper and consistent interpretation. The vagueness of its definitions; discrepancies between proposed definitions with those clearly defined in the Ohio Revised Code (ORC); the absence of detailed regulations for occupancy maximums; the laxness of its minimum yard setbacks, maximum lot coverage, parking requirements and current Chester Township lighting regulations; its allowance of mixed-uses on a lot; and a questionable minimum lot size, fail to meet the fundamental general provisions of Article 1.02.0 of the Chester Township Zoning Resolution. Here are the specifics:

Issue #1: The definition of “congregate care facility” is vague and broad.

Consequence: The likelihood that any two individuals would come to the same conclusion as to whether a proposed facility would meet the definition of “congregate care facility” is unlikely. Would the following uses be considered congregate care facilities under the proposed definition—juvenile detention homes; a 200-unit senior apartment building with congregate dining; drug rehab centers; homeless shelters?

DISCUSSION:

What’s a congregate care facility?

Answer: That’s the million-dollar question. Here’s how the amendment defines it:

“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.”

Is there a problem with the proposed definition of what a “congregate care facility” is?

Answer: Yes, there is a big problem with their definition. You’ve all heard the saying “words matter”. Well, in zoning there is no more important aspect of rule writing than word choice. Caves Road LLC’s proposed definition of “congregate care facility” includes allowing **“other similar facilities”**. Well, what the heck would be allowed under that open door? Who in Chester government is going to interpret what that means and decide whether a request to allow something other than a nursing home or residential care facility should be permitted? Oftentimes, the zoning commission looks to the Ohio Revised Code (ORC) for definitions of terms for use in zoning regulations. The ORC contains specific definitions as well as an extensive list of regulations for both “Nursing Homes” and “Residential Care Facilities”. In stark contrast, the term “Congregate Care Facility” isn’t mentioned. Neither is a listing of what **“other similar facilities”** might or might not include.

The term “congregate care facility” doesn’t appear in Webster’s dictionary. A Google search provided the following listing of potential facilities that might be considered “congregate care facilities”:

- *Group homes*
- *Homeless Shelters*
- *Nursing homes*

- *State correctional facilities*
- *Assisted living facilities*
- *Juvenile detention facilities*
- *Multifamily development providing individual dwelling units with support services*
- *Boarding homes*
- *Adult day cares*
- *Apartment complex with congregate dining for the elderly*
- *Veterans homes*
- *Emergency shelters*
- *Psychiatric care facilities*
- *Residential child care facilities*
- *Maternity homes*
- *Developmental care facilities*

Several years ago, the Chester Township Zoning Commission adopted guidelines for the development of zoning amendments. One of the guidelines requires that all amendments be written to achieve “consistent interpretation-among say five different individuals.” It’s evident that the definition of “congregate care facility” as proposed does not meet this requirement due to the open-door language that allows for “**other similar facilities**” and the absence of a finite list of facilities that fall under the ambiguous umbrella of the term “congregate care facilities.”

CONCLUSION: *The definition of “congregate care facility” is inadequate to allow for consistent interpretation and is therefore unsuited for proper and reliable regulation of zoning in Chester. The lack of clarity in the definition of a “congregate care facility” is a fatal flaw that should result in denial of this amendment.*

Issue #2: The definition of “nursing home” is inconsistent with the definition provided for in the Ohio Revised Code and in the Geauga County Model Zoning Code.

Consequence: The Ohio Revised Code (ORC) specifically identifies requirements that a facility must meet to be considered a nursing home. It also heavily regulates them. Ensuring that a facility claiming to be a nursing home is truly a nursing home under Ohio law, and to ensure that all state regulations trickle down to any facility that may happen to locate in Chester is of significant importance.

CONCLUSION: *The definition of “nursing home” is inadequate to provide Chester with the regulatory protections and state regulations afforded under the ORC.*

Issue #3: The definition of “residential care facility” is inconsistent with the definition provided for in the Ohio Revised Code.

Consequence: The Ohio Revised Code (ORC) specifically identifies requirements that a facility must meet to be considered a residential care facility. It also heavily regulates them. Ensuring that a facility claiming to be a residential care facility is truly a residential care facility under Ohio law, and to ensure that all state regulations trickle down to any facility that may happen to locate in Chester is of significant importance.

CONCLUSION: *The definition of “residential care facility” is inadequate to provide Chester with the regulatory protections and state regulations afforded under the ORC.*

Issue #4: Minimum setbacks and maximum lot coverages are inadequate for the intensity of this use.

Criteria	Proposed Amendment	Munson Twp	Newbury Twp	Bainbridge Twp
Minimum setback from R-O-W	105 feet	200 feet	250 feet	100 feet
Minimum side yard	20 feet	200 feet	100 feet	50 feet
Minimum rear yard	60 feet	200 feet	100 feet	90 feet
Maximum lot coverage	60 %	40%	50%	20%

Issue #5: The definition of “congregate care facility” allows for “**other similar facilities**”. Neither Munson, Newbury or Bainbridge Township’s zoning regulations governing nursing homes/assisted living facilities make such an ambiguous allowance. The facilities that they allow are narrowly tailored by the definition incorporated into their rules. The phrase “**other similar facilities**” is also inconsistent with the structure of Chester’s zoning resolution. Current Chester regulations provide specific lists of uses that are permitted in a given district (i.e. antique shops, bakeries, bowling alleys, funeral homes, locksmiths) and make no allowance for uses that are not specifically listed by name.

Issue #6: Approval of the amendment as written would allow mixed-uses (housing and retail) on one property. It would permit the West Geauga Plaza property to develop high-density congregate housing on the same property as the plaza. This proposal is inconsistent with Chester’s Comprehensive Plan, Land Use Plan and the basic structure of the current zoning, which, by design, does not allow mixed-use development.

Issue #7: The minimum lot area of 10 acres is questionable. Locating this use throughout the commercial district is also questionable. A cursory review of other Geauga Township zoning regulations finds that:

- Munson Township allows nursing care/assisted living within a specific district created for this type of development called “Institutional.” The minimum size lot for this district is 100 acres.
- Newbury Township allows nursing homes (note: not congregate care facilities) on 3 acres in their commercial/business districts with the added restriction that facilities not exceed 10 beds per acre.
- Bainbridge Township allows nursing homes (note: not congregate care facilities) in their 5 and 3-acre residential districts only on lots that border either their Professional Office District or Convenience Business District.

CONCLUSION: *It's evident that the approach to zoning for nursing homes and residential facilities is unique for a given community. At a minimum, a professional planner under the direction of the Chester Township Zoning Commission should evaluate the suitability of this type of use in Chesterland.*

Issue #8: The proposed amendment offers no regulation to limit the maximum number of units or beds that any one facility may develop. This could allow a 500- room congregate care facility to be constructed at the West Geauga Plaza without limitation.

Issue #9: The proposed amendment is lax in the number of conditions listed in section 6.07.04. It proposes 10 conditions. In contrast, the Bainbridge Township zoning regulations for nursing homes contain 27 specific conditions.

Issue #10: The parking requirements are inadequate when compared with current Chester Township requirements and also when compared to other Geauga County Township regulations for similar uses. The applicant has also indicated that these facilities may include outpatient services such as physical, occupational and speech therapy. The amendment language fails to incorporate the required parking allocation for these walk-in transient services which should be additive.

Issue #11: The proposed lighting regulations do not comply with current zoning requirements that apply to all zoning districts.

THE ABSENCE OF A PUBLIC WATER SUPPLY TO ADEQUATELY SERVICE THE INTENSITY OF THIS TYPE OF DEVELOPMENT IS A NON-STARTER

This amendment makes no requirement to be located on a lot with access to an existing public water supply. Bainbridge Township requires by rule that nursing homes "...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." There's a reason why Chester zoning does not allow intense developments like high-density housing or unlimited sized care facilities. The basis for Chester's large-lot zoning and restrictions on development are based on the capability of the land to support specific types and intensity of development. Our zoning regulations require that development be in accordance with the capability and suitability of the land to support it. There is no public water supply in the commercial district to support the potentially intensive water quantity requirements of this proposed use.

Our zoning resolution requires conservation and protection of the natural resources of the township. It specifically cites "the supply of groundwater" as a critical natural resource for our residential and commercial establishments because we do not have a public water supply and we depend on on-site wells for our potable water. Opening up the entire commercial district to an unknown number of potential high-density congregate care housing facilities with an unlimited number of beds/rooms/apartments in each facility and their associated demand for water for laundry services, bathroom/shower facilities, kitchen/dishwashing services, fire protection sprinkler services, etc. could, very likely, be detrimental to existing residents and businesses who rely on the local aquifer for potable water.

CONCLUSION: *In the absence of a professional assessment by a hydro geologist to assess 1) the expected water demand by congregate care facilities vs. the quantity available; and 2) the impact on surrounding users by these types of intense water using facilities, this amendment should be denied.*

THE CAPACITY OF FIRE/EMS TO ADEQUATELY SERVE BOTH CURRENT RESIDENT EMS DEMANDS AND THOSE OF HIGH-DENSITY CONGREGATE CARE HOUSING FACILITIES HAS NOT BEEN EVALUATED

Years ago, the former Fire Chief of Munson Township Bernie Harchar made a statement about the intense use of EMS services by the nursing homes/assisted living facilities located in Munson. At that time, he said that 95% of the EMS calls in his township were to those facilities. To allow this type of development to occur throughout the commercial district in Chester, without a detailed assessment of its potential impact, would be irresponsible.

CONCLUSION: *At a minimum, the township should require that the applicant pay for the township to hire a professional fire/EMS consultant to evaluate the existing capacity of our EMS manpower and equipment against the potential demand from future congregate care facilities. The study should delineate 1) additional staffing and/or equipment (i.e. ambulance) requirements; 2) associated costs of same; and 3) the magnitude of new additional tax levies required to generate additional necessary monies. As a baseline, the study should define those increased assets necessary to assure that existing EMS/fire response times are not decreased from what they are today.*

RESPONSES FROM RECENT COMMUNITY QUESTIONNAIRE DO NOT SUPPORT THIS TYPE OF DEVELOPMENT

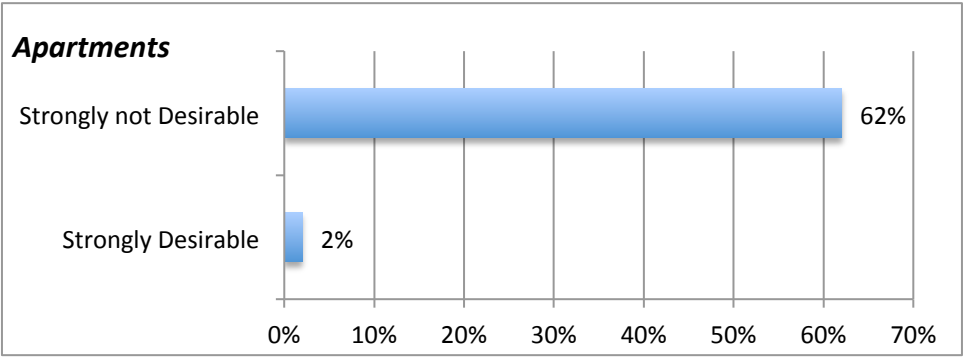
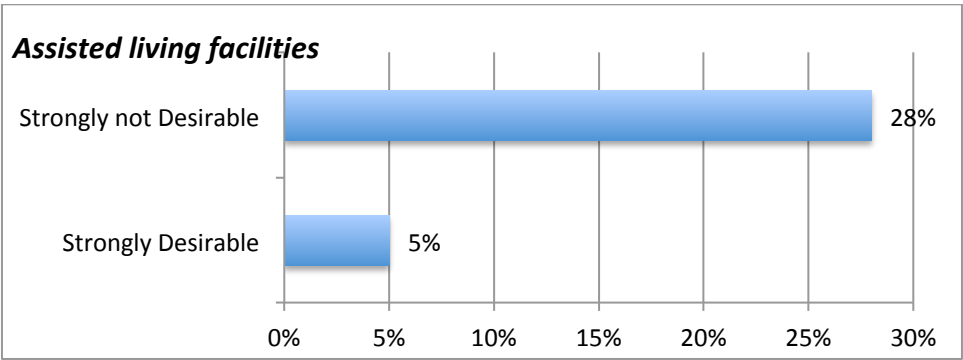
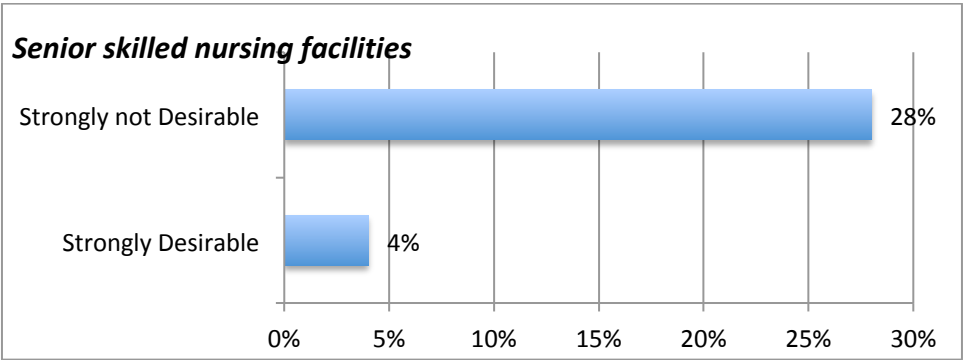
In 2020, Cleveland State University (CSU) conducted a community questionnaire to gather resident interest and desires with regard to the Township's future. 1,654 questionnaires were returned and CSU considered this a "...very solid response rate indicative of residents' high level of interest in participating in township affairs and expressing their opinion." The 35% response rate was considered excellent. According to CSU, their 'normal' response rate is around 15%.

Here is a summary of their findings:

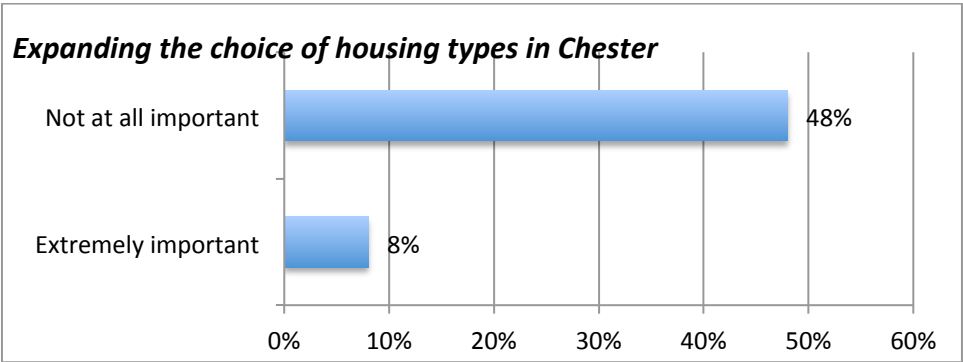
FINDING #1: 92% of respondents ranked "Rural Atmosphere" as one of their top five reasons for living in Chester.

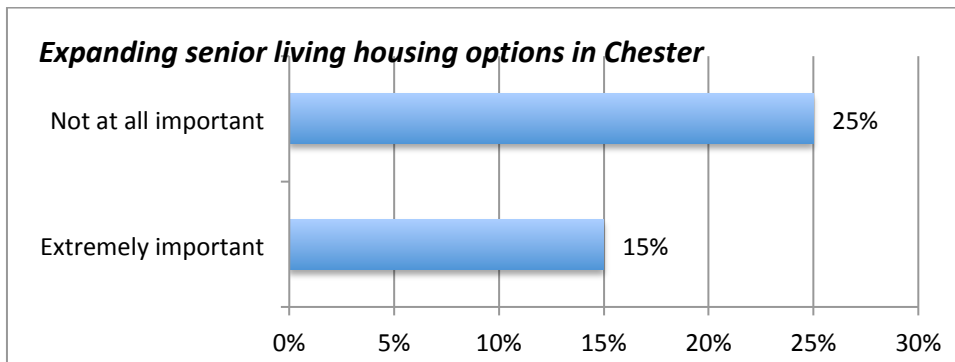
CONCLUSION: *High-density congregate care housing units are not consistent with providing a rural atmosphere and would therefore be in conflict with an overwhelming majority of resident opinion.*

FINDING #2: Respondents were asked, “Please rate the desirability to you of the following uses in the Commercial district as it is developed or redeveloped over time”



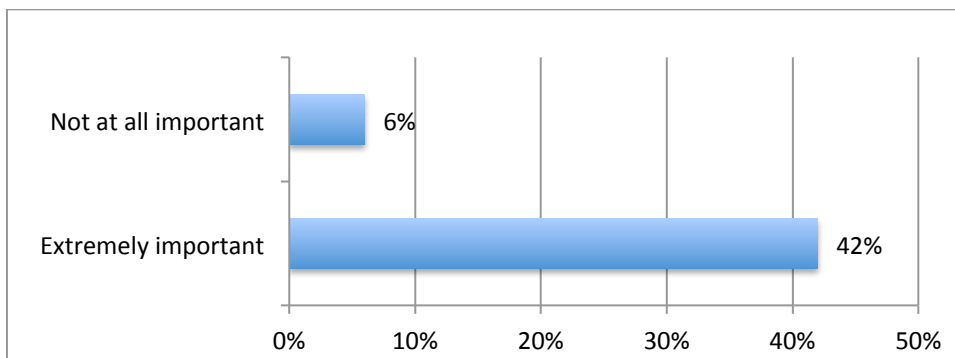
FINDING #3: Respondents were asked, “Please rate the importance to you of the following:





FINDING #4: Respondents were asked to “Please rate the importance to you of the following”:

- a) Providing a full range of daily goods and services in the commercial area (such as grocery, hardware, drug store, dry cleaning, coffee shop, bank, shipping/deliver, fitness, and beauty/barber)



CONCLUSION: *Chesterland residents find nursing homes, assisted living facilities and apartments undesirable types of development in our commercial district. Maintaining a rural atmosphere is a top priority. Expanding the choice of housing options is not important at all to almost 50% of the respondents. The survey results overwhelmingly demonstrate the desire by residents to retain our commercial district in accordance with our comprehensive plan and current zoning—as the retail center that provides goods and services to our residents and not for development of high-density congregate housing facilities.*

CLOSING

Over the past twenty years, I have been involved in zoning matters at both the township and county level. I was a past member and chair-person of the Chester Township Zoning Commission, member of the Chester Township Board of Zoning Appeals, and member of the Geauga County Planning Commission (which regularly reviewed proposed township zoning amendments). In all of those twenty-years, I’ve never seen a proposed amendment with so many reasons for denial. There is no doubt in my mind that the proposed zoning amendment, ZC-2022-3, submitted by Caves Road, LLC should be denied.

County: _____

Number: _____

INITIATIVE PETITION

Amendment to the Constitution

Proposed by Initiative Petition

To be Submitted Directly to the Electors

AMENDMENT

TITLE

Nursing Facility Patients' Bill of Rights

SUMMARY

This Amendment would add section 12a to Article XV of the Ohio Constitution to require certain staff-to-patient ratios in nursing facilities and require certain minimum daily amounts of direct care to nursing facility patients. In addition to other provisions, the Amendment would:

- Provide that the provisions of the Amendment adopted by the voters will also be known as Carolyn's Law.
- Require the Ohio Department of Health or its successor to provide by regulation for the following:
 - That no nursing facility, or employee or agent of a nursing facility, shall cause harm to patients due to neglect, mistreatment, abuse, or willful intent.
 - That in each skilled nursing facility, and regardless of the daily patient census, there shall be at least 1 licensed nurse on duty at any time for every 5 patients with higher medical acuity needs, at least 1 certified nurse aide on duty at any time for every 6 patients with higher medical acuity needs, and at least 1 licensed nurse and 1 certified nurse aide on duty at any time for every 8 patients with lower medical acuity needs.
 - That in each nursing facility, except for skilled nursing facilities and regardless of the daily patient census, there shall be at least one 1 licensed nurse and 1 certified nurse aide on duty at any time for every 8 patients with higher medical acuity needs, and at least 1 licensed nurse and 1 certified nurse aide on duty at any time for every 10 patients with lower medical acuity needs.
 - That each skilled nursing facility and inpatient rehabilitation facility shall provide each patient, regardless of medical acuity needs, with at least a combined daily average of 4.8 hours of direct care, including an average of 3 hours of direct care from certified nurse aides and an average of 1.8 hours of direct care from licensed nurses.
 - That each nursing home, short-term care facility, and long-term care facility shall provide each patient with lower medical acuity needs with a combined daily average of 4.1 hours of direct care, including an average of 2.8 hours of direct care from nurse aides and an average of 1.3 hours of direct care from licensed nurses.
 - That each nursing home, short-term care facility, and long-term care facility shall provide each patient with higher medical acuity needs with a combined daily average of 4.5 hours of direct care, including an average of 3 hours of direct care from nurse aides and an average of 1.5 hours of direct care from licensed nurses.
 - That each nursing facility shall have at least 1 licensed nurse and 1 certified nurse aide on duty at any time who are assigned to assist other nurses and nurse aides, as needed, in providing care to patients, and that such licensed nurse and certified nurse aide may count toward the minimum staff-to-patient ratios required by this Amendment.
 - That, for purposes of this Amendment, patients' medical acuity needs shall be determined by the nursing facility in accordance with standards set by the Ohio Department of Health or its successor.
 - That each nursing facility shall employ or contract with a patient advocate to address the needs and issues of patients and to increase patient satisfaction.
 - That each nursing facility shall implement protocols requiring as prompt a response as possible to a call light signal from a patient, if the facility utilizes such technology.
 - That each nursing facility shall implement protocols requiring hourly rounds based on each patient's medical acuity needs to ensure that safe, quality, and compassionate care is provided.
 - That each nursing facility shall provide notice in their facilities informing staff of the standards of care required by the Amendment, laws and regulations issued pursuant to the Amendment, and other laws and regulations governing nursing facilities.

- The development and utilization of competency tests, personal attribute tests, simulations, and trainings to exemplify extraordinary nurse aides in meeting the expectations of providing safe, quality, and compassionate care to patients in nursing facilities.
- That each nursing facility shall promptly identify and correct any staffing or practice deficiencies that have led to or caused any harm, damage, or debilitating injury to patients due to neglect, mistreatment, abuse, or willful intent.
- The imposition of civil and criminal penalties on nursing facilities, and employees or agents of nursing facilities for noncompliance with this Amendment or with the laws and regulations issued pursuant to the Amendment, and that such penalties may include, but are not limited to, fines, requiring additional education or training, temporary or permanent suspension of a license or certification, termination from employment, and reporting of conduct to regulatory entities and law enforcement.
- Require the Ohio Board of Nursing or its successor to provide by regulation for the following:
 - The development and utilization of competency tests, personal attribute tests, simulations, and trainings to exemplify extraordinary nurses in meeting the expectations of providing safe, quality, and compassionate care to patients in nursing facilities.
 - The imposition of civil and criminal penalties on licensed nurses for noncompliance with this Amendment or the laws and regulations issued pursuant to this Amendment, and that such penalties may include but are not limited to fines, requiring additional education or training, temporary or permanent suspension of a license or certification, termination from employment, and reporting of conduct to regulatory entities law enforcement.
- Provide that the Amendment shall be liberally construed to effectuate its purpose.
- Provide it shall take effect at the earliest date allowed by the Constitution, and require the Ohio Department of Health, or its successor, and the Ohio Board of Nursing, or its successor, to provide that the regulations required by the Amendment are in effect within one year of the Amendment's effective date.
- Provide that all provisions of the Amendment are severable, and that the Amendment shall supersede all conflicting state laws and regulations.
- Provide that any provision of the Amendment that is not contrary to the provision of a separate initiative that receives a higher total vote on the same statewide ballot is valid.
- Declare that the People of the State of Ohio find that patients of nursing facilities, which include nursing homes, skilled nursing facilities, and inpatient rehabilitation facilities, are an especially vulnerable group of individuals that require safe, quality, and compassionate medical care every day, and also find that adequate nurse and nurse aide staffing is key to providing safe patient care and is key to nurse and nurse aide retention.
- Declare that it is a vital state interest that nursing facilities providing such care have enough highly-skilled and adequately-trained nurses and nurse aides to serve their patients in order to reduce medical errors and to prevent harm, damage, and debilitating injuries caused by neglect, mistreatment, abuse, or willful intent.
- State that the purpose of this Section is to ensure that nursing facilities provide such safe, quality, and compassionate medical care to their patients, and to hold those accountable who cause harm to patients.

The Amendment defines "abuse," "acuity needs," "adequately-trained," "certified nurse aide," "damage," "debilitating injury," "direct care," "harm," "highly-skilled," "inpatient rehabilitation facility," "licensed nurse," "long-term care facility," "mistreatment," "neglect," "nursing facility," "nursing home," "short-term care facility," "skilled nursing facility," and "willful intent."

CERTIFICATION OF THE ATTORNEY GENERAL

Without passing on the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed amendment.

DAVE YOST
Ohio Attorney General
June 30, 2021

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Jesse J. Ruffin, Jr.	5054 Philip Street, Maple Heights, Ohio 44137
Carmen M. Ruffin	3701 Washington Boulevard, University Heights, Ohio 44118
Jesse J. Ruffin, III	4641 Derbyshire Drive, North Randall, Ohio 44128
Jimmie L. Pope	13226 Forest Hill Avenue, East Cleveland, Ohio 44112
Michele D. Hill	16000 Terrace Road, Apartment 302, East Cleveland, Ohio 44112