



**UNION TOWNSHIP BOARD OF TRUSTEES
NOVEMBER 14TH, 2023 MEETING**

OVERLAY DISTRICT PLAN

**HANK PRYOR, Applicant
3920 MCCANN RD. / Parcel ID #413112C245**

Staff Report: CASE # 10-23-O

NATURE OF REQUEST

The Applicant is requesting Overlay District Plan Approval from the Union Township Board of Trustees for Parcel# 413112C245. Specifically, the Applicant is seeking to expand a themed design and production facility on the existing 1.700-acre property—which is located within the Bach - Buxton Road Focus Area Overlay – Commercial Corridor (FA-CC). *Please refer to the Applicant's statements, plans, and other application enclosures.

LOCATION

The subject property is located at 3920 McMann Rd., approximately 500 feet north of the McMann Road and Ferris Road intersection.

ZONING

The subject property is zoned Industrial (M-1), with the adjoining property to the north, south, and east also zoned as Industrial (M-1) *for the underlying zoning*. Across McMann Rd., all of the land to the west within 500 feet is currently zoned Planned Development (PD) and consists of the L3Harris Fuzing & Ordinance Systems' property.

RELATIONSHIP TO THE HORIZON 2030: UNION TOWNSHIP COMPREHENSIVE LAND USE PLAN

The Horizon 2030: Union Township Comprehensive Land Use Plan indicates that the proposal is located within the Bach-Buxton Road Commercial Corridor. Currently, this corridor is the primary location for low intensity/light industrial and manufacturing operations in Union Township. As this Corridor continues to remain the primary area for industrial and heavy commercial warehousing activities within Union Township, new development activities (including infill development) have remained steady.

RELATIONSHIP TO THE FOCUS OVERLAY DISTRICT REGULATIONS

As noted in the previous section of the staff report, the affected property is located within the Bach-Buxton Road Commercial Corridor. Article 13 of the Union Township Zoning Resolution identifies this corridor as a “Commercial Corridor,” and makes these statements with respect to these Districts:

1307. Focus Area Overlay-Commercial Corridor Districts.

Focus Area Overlay (FA) Commercial Corridor Districts shall be identified as FA-CC Overlay Districts.

1. Findings and Specific Purpose.

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community identity. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

- a. Preventing the deterioration of property and the extension of blighting conditions;
- b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
- c. Preventing the creation of influences adverse to the physical character of the area.

2. Characteristics.

FA-CC districts shall be limited to geographic areas included in a FA-Commercial Corridor which contain or are planned to contain one (1) or more of the following characteristics:

- a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a socio-geographic neighborhood, community, or region;
- b. An area that has received or been approved for substantial public investment;
- c. An area that is planned for unusual intensity or density of development.

BACKGROUND

As referenced in the Applicant’s statements and enclosures, the Applicant has been operating Kingdom Productions on this property since 2012, when the company moved from its original location on Mt. Carmel Tobasco Road. Other than a contraction period during COVID, the themed design and production facility has continued to grow—and is at the point where the proposed expansion is necessary to avoid relocation efforts. Kingdom Productions would like to stay on its current property and maximize its use.

STAFF REVIEW & ANALYSIS

A review of this particular Overlay District application indicates that the proposal is consistent with both the recommendations of the adopted land use plan, as well as the purpose and intent of the Overlay District regulations. The Applicant's current proposal involves the 2 additions to the existing 12,000 square-foot structure on the property. One addition is for office space and consists of 1,500 square feet. A second addition is for an expanded production and warehouse area and consists of 9,375 square feet. As the current plan shows, side yard setback relief would be needed, with the southern side of the proposed addition being located approximately 17 feet away from that particular property line—*instead of the required 20-foot setback*. Although the proposed front yard setback (34.5 feet) is less than the required setback (40 feet), the office addition lines up with the pre-existing, non-conforming setback of the existing building. Similarly, although the proposed northern side yard setback (18.8 feet) is less than the required setback (20 feet), the production and warehouse area addition lines up with the pre-existing, non-conforming setback of the existing building. Parking has been reconfigured to maximize the parking on the property, which will be paved. Additionally, the Applicant will be leasing land from the adjoining property to the south to ensure that overflow parking is available and to allow for a dumpster to be located towards the rear of the property (with a proper enclosure / screening). Although the Applicant has verbally mentioned to staff that there will be some new landscaping along the road frontage, between the parking area and the road, a detailed landscaping / buffer yard plan has not been submitted. In terms of new site lighting, the Applicant has noted on the current plan that new lighting “shall be flat lens design and shielded so that all light is down directed.” Finally, there is no new signage anticipated with this particular application.

The provisions and regulations of the Bach-Buxton Road Commercial Corridor / Overlay District call for support for proposals that result in increased investment (such as this application), or otherwise prevent the proliferation of blighting influences. Furthermore, the proposed uses are ancillary to and supportive of the uses in the general vicinity. Finally, the requested relief is considered reasonable by staff as it minimal and allows for increased intensity of development, which the current Comprehensive Plan also recommends.

ACTION REQUIRED

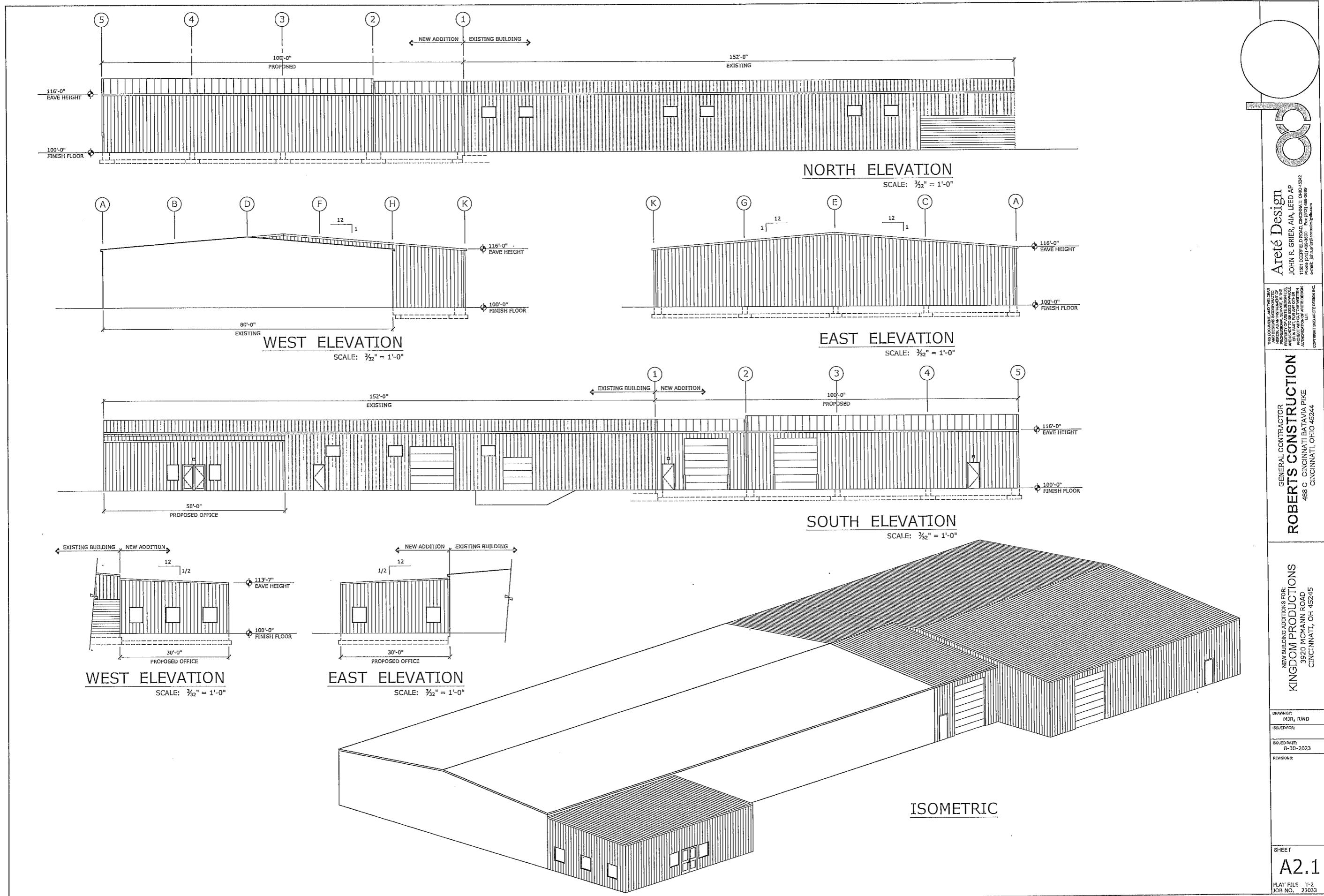
In accordance with Section 1310 of the Zoning Resolution, the Board of Trustees' role in this process is to either enter a motion to approve, modify, or deny the Focus Area Overlay District application—which, in this case consists of the expansion of a themed design and production facility—as submitted, along with any further modifications deemed appropriate by the Board.

RECOMMENDED MODIFICATIONS

If the Board should choose to grant favorable consideration to this Overlay District application, staff recommends that these additional items be modified and / or otherwise be adequately addressed prior to final Township action:

- 1) The Applicant would need to address any concerns of the County Engineer, Clermont County Water & Sewer District, Clermont County Building Department (including Water Management and Sediment Control), the Union Township Fire Department, and / or other regulatory agencies having jurisdiction over the proposed development prior to any final Township action.
- 2) The Applicant would need to provide a landscaping plan—particularly for the front of the property—that would need to include the heights / sizes of proposed plantings as well as their intended locations. *This is an item that can be addressed administratively by staff.*
- 3) The final parking configuration, including the adjoining southern property to be rented / leased, would need to be compliant and be approved administratively on the final, revised plans.
- 4) The dumpster location must be confirmed on the final plans and be enclosed by masonry or stone, and be screened with landscaping as necessary. *This is an item that can be addressed administratively by staff.*
- 5) There is minimal lighting proposed at this time. All lighting must (only) be of sufficient intensity to illuminate without projecting onto the adjoining property or the public roadway. *Details / specs of proposed lighting would be necessary; however, *this is an item that could / would be addressed administratively by staff.*
- 6) As of November 3rd, 2023, there are a number of administrative items related to the Site Plan requirements set forth in Article 11, Section 1131 of the Union Township Zoning Resolution that would also ultimately need to be addressed, prior to the issuance of a subsequent (commercial) zoning permit by the staff. *This is an item that could be addressed administratively by staff.*





III. SUPPORTING DOCUMENTS REQUIRED FOR APPLICATION

1. Photocopy of tax map with subject property highlighted.
2. Legal description of property (see deed).
3. Development plans.
4. Application fee as established by the Township Trustees.

IV. SUPPORTING INFORMATION

A. Existing Zoning District M-1 Industrial

Existing Land Use DESIGN & FABRICATION OF THEMED ENVIRONMENTS FOR CULTURAL ATTRACTIONS

Proposed Focus Area District and Classification Category _____

Bach Buxton Road Corridor

Proposed Land Use SAME AS EXISTING USE

B. Describe the characteristics of the Parcel/Project for consideration by the Board of Trustees (use additional sheet if necessary):

KINGDOM PRODUCTIONS, INC. IS A FAST GROWING, PREMIERE THEMING COMPANY. WE MOVED HERE IN 2012. WE'VE BEEN IN 2 DIFFERENT LOCATIONS IN UNION TOWNSHIP. OUR GROWTH REQUIRES MORE SPACE. INSTEAD OF RELOCATING WE WANTED TO STAY IN UT. AFTER REVIEWING OUR SITUATION WITH MARK McCORMACK WE REALIZED THAT WE COULD EXPAND OUR CURRENT FACILITY.
WE HAVE HIRED 20 NEW EMPLOYEES IN THE LAST 2 YEARS.

V. AFFIDAVIT

I hereby depose and say that I have familiarized myself with the rules and regulations of the Union Township Zoning Resolution with respect to preparing this application. I hereby certify that I have read the foregoing document and supplements attached thereto and that I have answered all questions fully and to the best of my ability. I hereby attest to the truth and exactness of the information supplied herewith and that I am the owner or lessee of the property to be rezoned.



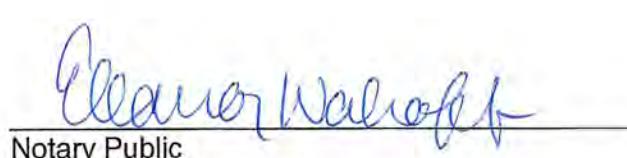
Applicant*

*If the property is owned by a corporation or partnership, signatory must be an authorized officer or partner.

STATE OF Ohio

COUNTY OF Clermont

Subscribed and sworn to before me this 10th day of OCTOBER, of this year
2023.



Notary Public



ELEANOR WAHOFF
Notary Public
State of Ohio
My Comm. Expires
April 7, 2026

My commission expires APRIL 7th 2026

08/23/2019

APPROVED FOR

TRANSFER

ACTING

CLERMONT COUNTY, OH

ENGINEER Jeremy P. Evans

BY: ALEACH

413112C245. 1.700 AC TL73-92

This Conveyance has been examined
and the Grantor has complied with
Section 319.202 of the Revised Code.

Purchase Price: \$499,489.00

Transfer #4794 Transfer Fee: \$0.50

Conveyance Fee: \$1,998.00

Filed with the office of

Linda L. Fraley

08/23/2019

BY: jhaughton

HBI file# CI19-108477

E-RECORDING

201900018418

Filed for Record in Clermont County, Ohio

Deborah Hall Clepper, Recorder

08/23/2019 02:07 PM Recording Fees: \$36.00

DEED OR 2816 / p948 - p950

LIMITED WARRANTY DEED

HeadFirst Properties, LLC, an Ohio limited liability company, (the "Grantor"), for valuable consideration paid, grants, with limited warranty covenants, to Kingdom Productions Holdings, LLC, an Ohio limited liability company, (the "Grantee"), the following described real property (the "Premises"):

SEE EXHIBIT "A", attached hereto and incorporated by reference

Prior instrument reference: OR Book 2531, Page 2228 in the Clermont County, Ohio Recorder's Office.

Tax billing address: 3920 McMains Rd, Cincinnati, OH 45245

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions, mineral interest rights, restrictions and easements, if any, contained in former instruments of record for said premises, subject to all of which this conveyance is made.

Executed this 12th day of August, 2017

HeadFirst Properties, LLC, an Ohio limited liability company – Grantor

By: Ben Trautmann
Ben Trautmann

Its: Duly Authorized Member

STATE OF OHIO
COUNTY OF Clermont, ss.

BE IT REMEMBERED, that on this 12th day of August, 2017, before me, the subscriber, personally came the above named Ben Trautmann, duly authorized Member of HeadFirst Properties, LLC, an Ohio limited liability company, the Grantor in the foregoing deed and as such, acknowledged the signing of the same to be his voluntary act and deed for the uses and purposes therein mentioned as such officer for and on behalf of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.

Robert Dunbar
Notary Public #6217-D4605

This instrument prepared by:
Marshall S. McCormick
Attorney at Law
1515 Bethel Road, Ste. 200
Columbus OH 43220
HBI file# CI19-108477

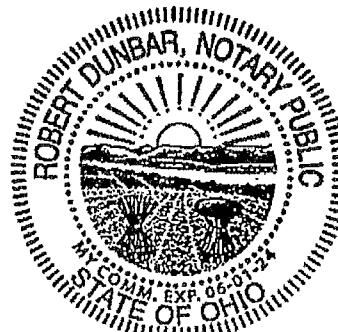


EXHIBIT "A"

Situated in Union Township, Clermont County, Ohio and being in Stevens Military Survey No. 1671-72-73 and being more particularly described as follows:

Beginning at the intersections of the centerline of Ferris Road and McMann Road, thence along the centerline of McMann Road, North 17 degrees 27 minutes 00 seconds west, 551.22 feet to a PK nail and the real place of beginning for this description,

thence continuing along the centerline of McMann Road, north 17 degrees 27 minutes 00 seconds west, 9.81 feet to a spike,

thence continuing along the centerline of McMann Road, north 03 degrees 47 minutes 00 seconds east 262.70 feet to a point, thence 83 degrees 58 minutes 00 east (passing an iron pin at 30.02 feet) 335.57 feet to an iron pin,

thence south 03 degrees 39 minutes 30 seconds west, 22.34 feet to an iron pin,

thence south 60 degrees 52 minutes 00 seconds east, 112.59 feet to an iron pin,

thence south 64 degrees 56 minutes 00 seconds west, 194.19 feet to an iron pin,

thence south 74 degrees 04 minutes 02 seconds west (passing an iron pin at 249.86 feet) 279.88 feet to a place of beginning.

Containing 1.700 acres more or less and subject to all legal highways and easements of record. 1.528 acres in parcel 41-31-12C-245 and 0.172 acres from parcel 41-31-12C-243.

The above described real estate is part of the same described as recorded in Book 1268, Page 1830 of the Clermont County, Ohio Deed Records and is identified as parcel 41-31-12C-245 and part of parcel 41-31-12C-243 on the tax maps of said county.

Being the result of a survey and plat dated January 16, 2003 made by Robert M. Dettmer P.S. Ohio Reg. No. 5126.

Tax Parcel Number/PPN: 413112C245

Commonly known as: 3920 McMann Road, Cincinnati, Ohio 45245

PARID: 413112C245.

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