



**PROPOSED REZONING OF 23.119 ACRES ON 4023 ST RT 48, CLEARCREEK TWP, OH
FROM OSR-1 & R-1 TO MU-PUD**

THE LIST OF PROPOSED USES

We are requesting the zone change from Residential to Mixed Use so that we may execute the following anticipated uses for our family residence and family-owned business, Maggard Memorials. All buildings will aesthetically compliment each other and the surrounding nature.

1. Single-family dwelling - 7200 sq ft (5000 home / 2200 garage), roughly 50' from the north property line, 777' west of the eastern SR 48 property line.
2. Swimming pool area with up to (2) accessory structures
3. Warehouse/production building - 5000 sq ft, roughly 52' from the north property line, 155' west of the east property line with outdoor storage area against west side of warehouse, 50' covered and fenced.
4. Open space - 5.83 acres at rear of property

We plan for our rural barndominium residence (similar to rendering) to include mother and father-in-law suites as we are their sole caregivers (both in their 70's). They are both disabled and it is our goal to elect in-house assisted care when that time comes. My parents Clayton & Linda are the company founders and we took over in 2009. Clayton is a veteran who will never give up and always wants to work doing something! He reports to the shop nearly every day. Linda is still involved with our accounting. We are going to be sole caregivers as they are both in bad health with fall risk, diabetes, and tremors. My father beat bladder cancer five years ago but we're currently investigating its possible reemergence. Our family, next to God, is the most important to us and we need to be at one location. To be better parents, spouses, employers, and children, we need to work and live in one location.



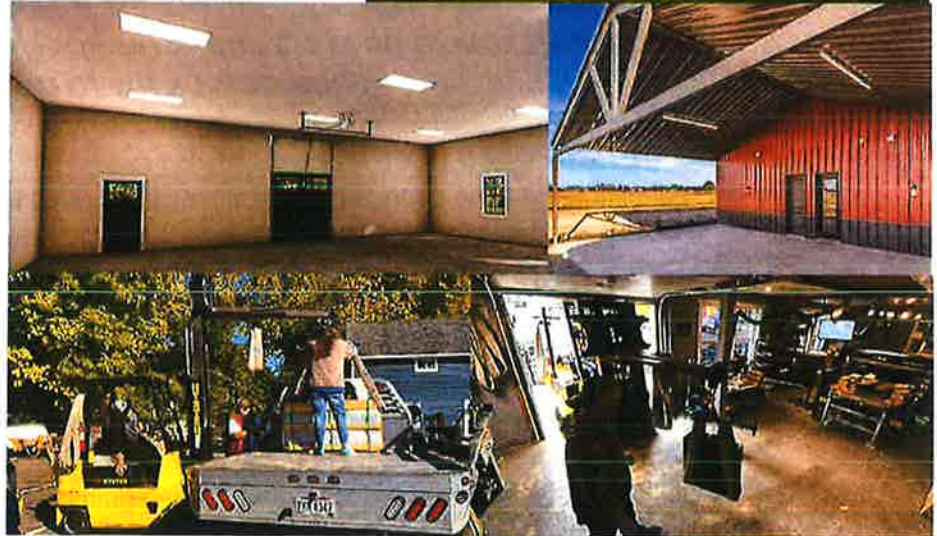
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Pg 1
Dec 13, 2022

We intend to use the warehouse during normal business hours of 9am-5pm (plan similar to the one pictured right). Deliveries will be on the southern side of the structure, predominantly out of sight from our northern neighbor.



The warehouse will offer us refuge from bad weather, offer consistent lighting / temperature control, and will be used to store granite monuments and equipment including, but not limited to:

- Trucks,
- Trailers,
- Forklift,
- Computers,
- Printers,
- stencil plotter,
- laser etcher,
- sandblast booth.



Here is what we currently endure trying to operate outdoors and in a cramped basement production space. Pre-loading our truck for tomorrow's setting schedule is dictated by today's weather. Our storage space doubles as sandblasting space, often tarping granite to use them as stands.

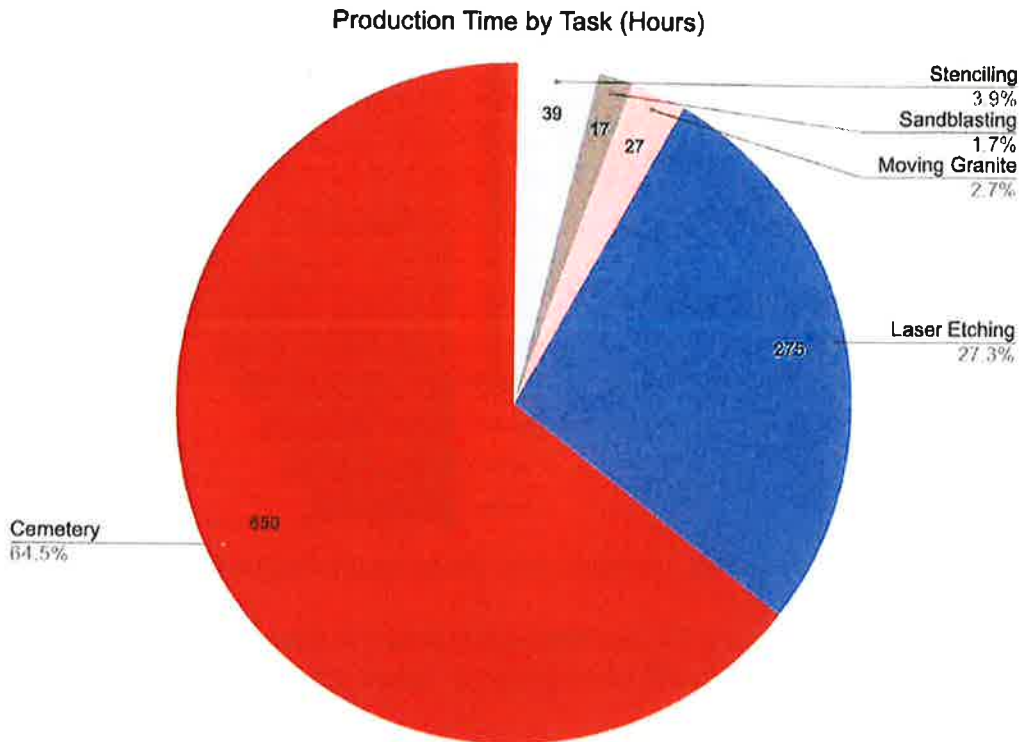


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A portion of the warehouse will be office space for computer work and cutting stencils. The rest will remain open to perform light work: laser etching, sandblasting, and hand-painting etchings. Both methods will be virtually silent with no dust, no vibration, no offensive lighting or noise. Our display and retail will remain at 19 N. Sycamore Street in Lebanon.



Pertaining to the Intensity of Production at the Warehouse



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Granite monuments come to us already cut, shaped, and polished. We then add memorial scenes including text, portraits, and imagery. We get to celebrate the lives of lost loved ones by way of our most popular service, detailed laser etchings, or the less common sandblast engraving. 85% of our business is black laser etched monuments due to the complex capabilities, replications of photos and stunning custom designs we are known for.

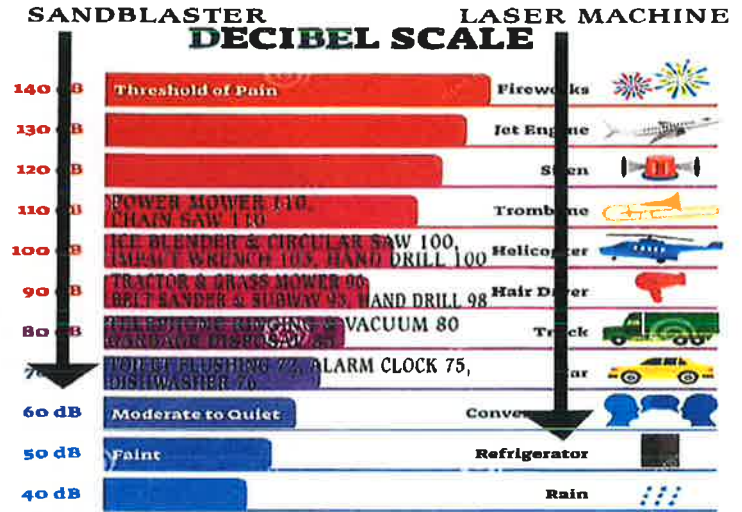
Laser Etching

- We average 275 laser jobs per year with each taking up to hour to laser.
- If we complete 4 stones a day, that equals 69 days per year running an indoor machine for 4 hours that's no louder than an inkjet printer or sewing machine.
- We digitally design a stone's scene on the computer then once approved, utilize a forklift to lay the granite horizontally under the laser machine. It passes over the stone, emitting various depths of laser etching to create the design. It creates no emissions, no dust, no vibrations, no offensive noise, and no flashing lights. We are one of the few companies who own and operate their own machine, thus avoiding middleman markup and passing the savings to the client.
- See an example here: <https://youtu.be/W5Z8eAFPus4>



Sandblast Engraving

- We average 50 sandblast jobs per year.
- We currently sandblast 5 monuments in a day, each producing 20 minutes of noise.
- This averages 10 days of engraving for a total of 17 hours per year.
- Our intended method of indoor sandblasting involves a noise-isolating booth operating at 60 decibels - the audible level of a typical verbal conversation between two people. Neighbors located an additional 52+ feet away with building material, insulation and foliage separating them from our operation have nothing to worry about.
- For comparison, a barking Golden Retriever registers at 116 decibels - nearly twice that of our equipment and without any indoor insulation or infrastructure between their snout and the neighbors.
- The majority of a sandblasted stone's work flow is silent with the same noise output as someone typing on a computer at the office or printing copies for the morning meeting:
 - our client approves a design via email,
 - we utilize a printer plotter to cut a rubber stencil with mylar backing,
 - we manually line up the stencil on the stone's face then adhere it to the monument
 - We manually weed out negative space in the design,
 - 20 minutes is spent sandblasting at 60 decibels,
 - we manually spray lithopaint into the etched portions,
 - we remove the stencil,
 - we wipe the monument clean.
- See an example of our louder, outdoor process here: <https://youtu.be/l07A6PafcA4?t=53>



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Our Proposal for the Land in Response to Fear of Noise Concern

Steps we'll take to limit the assumed noise impact on surrounding properties:

- Our equipment only registers at 50 & 60 decibels - quieter than a barking golden retriever or a truck driving by.
- Our warehouse will be insulated.
- We will build grass mounds on the northern edge of the property.
- Atop these mounds, we'll plant dense foliage.
- We will invest in a small, self-contained, state-of-the-art automatic engraving room to be built in the warehouse with a dust collector! It will make us more productive while being quieter, cleaner, and with a smaller carbon footprint.
- No vibration, no offensive sounds, no flashing lights. We will show that we are willing to do what's necessary to be caring neighbors as we plan to live there the rest of our lives. Anyone who knows us, knows we are helpers and kind people who do what is fair, just and right, even when no one is looking.



Addressing public comments received as part of our last application

- **In response to the northern neighbor's concern about them losing privacy:** putting our warehouse up will actually give them more privacy from Vern's Transmission and the several houses on Turner Drive that can view their property, especially in the fall and winter months when trees are bare. Their current view includes backyards filled with trash cans, hot tubs, pets, playgrounds, trampolines, and backyard gatherings. We don't have time to sit around or outside our warehouse watching things happening around it. We'll be inside working or up at the residence. We're also willing to line that property edge with mounds and dense plants as noted above.
- **In response to concern about water drainage from property onto Turner Dr or something leaching out from Maggard's water runoff:** drainage rerouting was already performed to alleviate standing water that resulted from runoff coming from Turner Drive along the southern edge of our property to have it properly flow to lower ground and out to ST RT 48. Topography doesn't suggest it's possible for water from our property to flow to Turner Dr. Nothing flowing out of our business will be polluted or mixed with chemicals often associated with 'industrial' work. We operate on electricity for the laser and sand blaster with garnett aggregate contained in / recycled in a booth.
- **In response to concern about water usage:** we do not use water in the sandblasting or laser etching process. They are dry processes. We will actually use less water than with our current outside process because there will be no hosing off debris from the ground.
- **In response to concern about our operation making it unsafe for neighbors to have a vegetable garden:** we also plan to have gardens. Nothing about our operation affects wildlife or vegetation. Quite inversely, we hope to maintain the integrity of the wetlands on the rear of our property and make them available for educational purposes. The air leaving our building will be cleaner than when it came in with no emissions and no dust.

- **In response to concerns about our rezoning affecting Clearcreek Twp's rural feel:** we continue the precedent already set by other blue collar, hard working businesses along this stretch of road: Vern's Transmission, Kendrick Moving. We will be far less visible from the road with nearly no outside activity. There will be 2-3 workers in that warehouse predominantly working inside; two of them being Amanda & Nathan Ramsey.



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- **In response to concern about our 7500 sq foot home putting the northern neighbor's home 'in the shadow' of our property:** Our home is significantly further back from the road than the northern neighbor. Our warehouse is 5000 sq ft at 100 feet deep x 50 feet wide with a max height of 25 feet. It's designed to be aesthetically minimal to blend in with nature. Our current plan already has our warehouse further west than the furthest back corner of the northern neighbor's home. When devising our engineering plan, we attempted to locate the warehouse further back but needed to factor in topography & water flow. We can investigate pushing the warehouse an additional 50-75' back from the road to aid in privacy and separation from the neighbor.
- **In response to concern about having a stormwater plan:** we will have a plan in stage 3 but did already do some earthwork to improve the flow of standing water.
- **In response to concern about increased business activity affecting traffic and privacy for neighbors:** we do not intend on having many clients visit the warehouse. We order quarry-direct 3-4 times a year which accounts for 90% of our granite. Beyond that, we may have 2-3 deliveries per month of domestically-sourced granite and whatever standard residential deliveries happen like Amazon or food delivery.
- **In response to concern about EPA standards for aggregate blasting running 8-10 hours a day outside the northern neighbor's kitchen window:** that's simply not going to happen. We don't run any piece of equipment 8-10 hours a day. We will sandblast approximately 17 hours per year, done indoors, with no emissions, water usage, noise, vibration, etc. If neighbors are concerned about how we'll spend our time, they'll be relieved to know the majority of our production hours are spent offsite in cemeteries setting monuments.
- **In response to impact on historic buildings and their character:** it is not illegal for a neighboring property to build a non-historic looking structure.
- **In response to us having no planned overflow for the NW corner of our northern neighbor's property they use it as a tree buffer serving as an agricultural purpose:** There is no known water overflow to be concerned about.
- **In response to the northern neighbor thinking we have no agricultural values:** we bought 22 acres because we love nature and rural living. What this neighbor is focusing on is 5000 sq feet (or 4%) of a 1 million square foot property. We're keeping 25% of our acreage as open space for nature walks, tree-climbing, fishing, and family time.
- **In response to noise concerns:** already noted above. Business will be conducted while the complainant is at work as she stated. There is no noise ordinance in Clearcreek Twp but if there were, we'd still be compliant running at 50-60 decibels. This facility will not be staffed with several people so there won't be frequent outside conversations, staff arriving and leaving, people taking breaks out front. Our current outside engraving operation is 50 feet from a residential backyard and a bar / restaurant. We don't get complaints.



Police

- Police
- About
- Employment
- Contact an Officer

Q: Is there a noise ordinance in the township?

A: The township does not have a noise ordinance. In the event there are noises that are alleged to be public nuisances such as a dog barking, a loud party or off road vehicles, the officer will make a determination as to whether it constitutes a violation bearing in mind the necessity, frequency, duration, reasonableness, locality, time of occurrence and noise level.

Addressing staff report comments identified as part of the last application

- **In response to staff comment on 13.05 (A)(1)(B) Section (3) Subsection c) point 7) 'the proposal doesn't identify any amenity structures in the open space'.** Correct - there is no amenity structure in the open space.
- **In response to concern over 'opening that door' to businesses in Clearcreek Twp -** the door has already been opened with this property surrounded by other businesses with much more obvious road frontage, visibility, and commotion: Vern's Transmission, J Herschell Kendrick Moving, Hammer Down Hemp, Dad's Guns & Golf Carts.
- **In response to Staff Comment on 13.05 (A)(1)(B) Section (3) Subsection e) point 4) about no phasing plan being submitted:** goal is for residence, warehouse, outdoor storage area, and warehouse privacy plants/structures to be done in tandem then pool, accessory structures, and residential fence as budget allows.

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Addressing how previous conditions recommended by the Warren County Regional Planning Commission would be met

1. All plans and proposals of the applicant shall be made conditions of approval, unless modified by one or the following conditions.
2. The site is limited to one (1) single family-dwelling one (1) warehouse/production building, limited for monument material storage, equipment storage and "light" design. Laser engraving is the maximum intensity of production.
 - a. Our response: "Light" design needs to also include sandblasting in the self-contained, low-noise booth we explained above.
 - b. A swimming pool with up to (2) accessory structures was discussed at the Clearcreek Twp meeting and is in our submission.
3. Compliance with the Clearcreek Township Zoning Resolution and the PUD Stage 1 approval conditions EC 13.05 (A) (3)
4. Compliance with the Warren County Subdivision Regulations
5. The applicant shall submit all required documents outlined in SEC 13.05 (B)(1)(A)(4) at the time of the PUD Stage 2 application. The Zoning Commission brings the applicant's attention to the need to provide plans based upon comments generated at the hearing:
 - a. **Access plan** - Upon recommendation from Vonderhaar, we're planning on a 32' culvert pipe running beneath our entrance to allow 16' apron radius going in each direction onto ST RT 48.
 - b. **Parking & loading plan** - Our drive will be wide enough for semi-trucks to pull past our warehouse then back into the south-facing garage bay / loading area.
 - c. **Lighting plan** - we intend to utilize motion-activated or timed outdoor LED lighting mounted to our structures. For the drive back to the residence, we will incorporate soft lighting in the landscape for adequate lighting but a rural feel.
 - d. **Signage plan** - we will follow the township's rules on signage, placing it in an approved place while being aesthetically pleasing. We do not anticipate receiving evening deliveries so the sign does not need to be lit. We are not trying to advertise from this property.
 - e. **Landscape and buffer plan** - we will relocate excavated dirt to create mounds between us and the northern neighbor then plant dense plants on top for visual and additional sound barrier. If sound is an issue for them, this will not fix the road traffic noise they hear at all hours of the day being only 50' from the road. Having knowingly moved just south of a popular moving truck company, their concern over our 2-3 delivery trucks per month seems ill-calculated. It's a bit selective to claim they chose this property for the escape from population when they're near what Clearcreek Twp deemed a 'Principle Urban Arterial Road' in the 2005 Master Land Use Plan.
 - f. **Drainage plan** - we have already begun the process of routing water away from high rising areas and will continue to do so with the help of our engineer as construction continues.
 - g. **Construction drawing for the single family-dwelling** - being finalized for the next stage.



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- h. **Construction drawings for the warehouse structure/outside storage** - being finalized for the next stage.
6. **The building design and materials submitted on June 2, 2022, shall serve as the guiding review documents for the single family-dwelling and the warehouse PUD Stage 2 construction drawings.** - noted
 7. The applicant shall submit a stormwater management plan approved by the Warren County Engineer's Office prior to the PUD Stage 3 application.
 8. **The applicant shall submit a roadway access and improvement plan approved by ODOT prior to the PUD Stage 3 application. Prior to the submission of the PUD Stage 2 application, a notification letter from ODOT determining if a traffic impact analysis is necessary is required. If a traffic impact analysis is required, it shall be done prior to PUD Stage 3 application. Any additional road right-of-way required shall be dedicated at the time of Final Plat.** - noted.
 9. **The applicant shall submit the septic system plan(s) (single system or a combined system) approved by the Warren County Health Department and/or the Ohio Environmental Protection Agency prior to the PUD Stage 2 application.** - noted
 10. The following conditions are imposed to help the warehouse structure function like a "Home Occupation":
 - a. **The use is compatible with other uses, maintains and preserves the character of the neighborhood and does not create a nuisance or detract from the residential function or tranquility** - see our production decibel chart above and all efforts being taken to reduce assumed nuisance.
 - b. **No commercial display of materials, merchandise, or goods shall be allowed to be stored outside of the warehouse structure** - this is not a display venue, we are not selling out of this property, and any stored items are not for 'commercial display'... only for production efficiency. Any stored items will be stored beneath the roof of the warehouse and surrounded on all neighbor-facing sides (North, South, East).
 - c. **Once parking and loading has been approved for the PUD, no expansion of off-street parking shall be permitted.** - noted.
 - d. **The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emissions, environmental pollution, or other nuisances.** - Our production process creates none of these things as noted in previous sections. Barking dogs will be more of a nuisance than we will be.
 - e. **Traffic generated by the warehouse shall not exceed the average daily volume normally expected for a residence in a residentially zoned neighborhood, which for the purpose of this section, equals up to ten (10) round trips per day.** - a typical day may be (1) getting our son to school, (2) grabbing lunch or having it delivered, (3) a grandparent leaving for a doctor appointment, (4) Amanda visiting the shop in Lebanon, (5) bus dropping off our son, (6) leaving for a sports practice, (7) work truck leaving for a day of setting.

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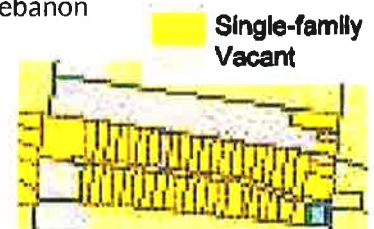
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Responses to Section 13.05 (A) (2) Stage 1: PUD Objectives

(a) PUD is consistent with Clearcreek Twp Master Land Use Plan -

<https://www.clearcreektownship.com/media/zoning/2005%20Master%20Land%20Use%20Plan-compressed.pdf>

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- (i) The plan itself acknowledges that not every development in Clearcreek Township will fit its latest plan, nor has it kept up with changing times as it recognizes the need to do. Excerpt from the plan's page 1: *"A Plan such as this should not be seen as a static, unchanging document. Changes in circumstances occur constantly and all plans must be periodically adjusted to reflect such changes. Typically, a Master Plan for a community should be revisited and updated at intervals of roughly five years to incorporate new information and changes in opinion. This Plan is no different and is in fact an update of a Plan completed in 1999 under the auspices of the Warren County Regional Planning Commission."*
 - (ii) We are consistent with the plan's own words of *"Clearcreek Township is in a dynamic period of change. Decisions made during the next two decades will establish the character of Clearcreek Township far into the future."*
 - (iii) We feel we add to the rural character with this development - we want our kid to get out of the suburbs and into the woods. We want son and grandchildren to step out our front door without fear of getting run over. We want to ride four wheelers in our 6 acres of open fields and fish and climb trees without an HOA citing us. We want to play hide and seek in the barn loft and have bonfires roasting s'mores. As the Master Land Use Plan says, *"The rural character of the Township, while highly valued, is difficult to define. But the elements most commonly cited as typical of "rural character" include two lane roads, open fields, barns and other agricultural structures, woodlots, and long open vistas..."*
 - (iv) We are consistent with the Master Land Use Plan in that *"Commercial uses in the Township have historically been small in scale and locally oriented."* We are a small business with only 3 full time employees - Amanda Ramsey, Nathan Ramsey, and Allison Lyons, all who are drawn to the local family feel. We have no vision of growing into a huge outfit. We are producing the same number of monuments as Clayton and Linda did in the 1980s - albeit bigger in size and complexity. We are all after work-life balance as we have young children and the same priorities. This facility will accomplish the work-life balance that inefficiencies of a small, crammed downtown Lebanon production space can't provide. We're not building this shop to expand our business. We're building it to increase efficiency and get down to a 40-hour work week instead of a 60-hour work week.
 - (v) In the 2005 Master Land Use Plan, the fate of this land was undefined and still open for debate as Vacant... as if someone hadn't yet found its purpose. We knew from the moment we saw it that it was meant for our family.



(b) Intensity proposed for PUD does not exceed maximum density or lot coverage

- (i) We are keeping 25% of our acreage as open space with additional portions being the driveway, our yard, and space between the warehouse and our home.

(c) Use proposed will not be detrimental to existing and potential future surrounding uses and will harmoniously relate to surrounding area

- (i) We are surrounded on all sides by already developed or designated lands, meaning our project will not be detrimental to potential future surroundings. If developed into a

subdivision, this land could introduce (8) homes with 8-40+ additional residents, (8) additional utility meters, (8) origins of conflict or disagreement, (8) fence permits, pool permits, 16-32+ vehicles, added bus routes, etc. Instead, we're talking about 1 family, 5 cars, 1-2 sets of utility meters, and far less traffic. The opportunity cost weighs in favor of letting Maggard Memorials develop this land for their home occupation.

- (ii) Just down the road is a transmission business handling chemicals and utilizing loud tools. The precedent for businesses in this area have already been set albeit we will be a quiet, indoor business with less conspicuous visibility from the road.
 - (iii) We will be harmonious with the surrounding area - we make great neighbors, we've already discussed with some being able to walk our land, enjoy the nature, and partake in the beauty. Working from home means less commuting and less road traffic from us.
 - (iv) Per the 2005 Master Land Use Plan, our property falls into "Planning Area #6 Central Mixed Belt More rolling topography, mixture of large agricultural tracts, rural residential road frontage development and large lot rural subdivisions - roughly 50% built out. No sanitary sewer present and none anticipated. Agricultural, **but changing.**" (bolding for emphasis).
- (d) **Minimum common open space areas have been designated and designed in accordance with provisions of this Resolution conveyed to legally established group:**
- (i) There is no governing Homeowners Association or similar group. Our aim at having this much land is to keep it feeling rural while still executing our family business of nearly 40 years. We want grass instead of sidewalks, a barndominium instead of plastic siding, trees instead of street lights.
- (e) **Approval conditional upon provisions necessary for protection of public health, safety morals, general welfare.**
- (i) There is no known EPA concern from our operation.
 - (ii) We create less strain on public safety agencies by utilizing 23 acres for one family instead of the eight that could fit if this same land was developed into a public street & subdivision.
 - (iii) Our line of work is generations old and about celebrating life and loved ones. Clearcreek Twp has allowed businesses with many more 'hot button' products to incorporate in its borders.

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