



Record Report for Conditional Use Permit #BZA-26-0003

Record Overview

Record Number: BZA-26-0003
Record Type: Conditional Use Permit
Record Status: In Progress
Record Submitted At: Wednesday June 3, 2026
Record Address: 0527451008
Record Owner: Jeff Palmer
Record Applicant: josh liles

Form Submission

Applicant is:: Other
If Other, please explain: design engineer

Applicant:
Joshua Liles
1068 N University Blvd
Middletown, OH 45042
apexengineering@sbcglobal.net, (513) 424-5202

Address of Project: 0527451008

Legal Description of Property or Metes and Bounds Description:
0527451008

Current Use of the Property:
Vacant

Property fronts on the following roads:: State Route 48

The property is presently zoned:: Neighborhood Business Zone "B-1"

The legal title to said property recorded in the name(s) of:: Omesh Properties LLC

Tax mailing address of individual(s) with whom the legal title to said property is recorded:: 545 Conifer Trail,
Bellbrook, OH 45305

Reason(s) for the Application::
Request for a drive thru to serve a convenience store establishment

A. The proposed use shall mitigate the impact of noise generated by the use::
No additional noise caused by the drive thru

B. The proposed use shall mitigate the impact of light pollution generated by the use::
Fencing along the east and north sides shall mitigate light from the cars using the drive thru

C. The proposed building materials shall be compatible to the existing structures on the property and blend into the context of the neighborhood::

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N/A

D. The proposed uses shall be physically suitable for the parcel on which it is proposed::

Lot is zoned for business and will be suitable for drive thru

E. The proposed use shall be of a size and/or number of structures that may be completed in a reasonable time::

Site shall be completed within six months of the start of construction

F. The proposed use shall locate structures in an area that limits the impact to adjoining properties::

Buildings shall be placed so as to provide good vehicular access and movement and not impact adjacent parcels

G. The proposed use shall locate outdoor gathering places in an area that limits the impact to adjoining properties::

N/a

H. Buffer space, plantings and mounding shall be used on the periphery of the proposed use or property to maximize compatibility with adjoining properties::

Landscape/Fencing/Buffer yards will be used to maximize compatibility with adjacent properties

I. When a proposed use includes common or jointly owned space an owners association or similar organization shall be formed with the authority and responsibility to maintain and manage such common or jointly owned space in perpetuity::

All owners will be required to maintain the site and will enter into a joint property management agreement

J. The proposed use shall be supported by adequate public infrastructure and/or services. The proposed use shall not adversely affect public infrastructure and/or public services to the surrounding area or conditions shall be established to mitigate adverse impacts on such written comments from the following departments as applicable: Clearcreek Township Fire District, Clearcreek Township Police Department, Ohio Environmental Protection Agency, Ohio Department of Transportation, Warren County Auditor, Warren County Building Department, Warren County Engineer's Office, Warren County Health Department, Warren County Soil and Water Conservation District, Warren County Water Department::

All responsible agencies requirements and comments will be addressed and met. See attached comment letter from Warren Co Bldg Dept, Clearcreek FD & PD, and Warren Co Soil/Water,.

K. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles::

The site will be accessible to all emergency vehicles. See comment form Clearcreek FD and revision to plans

L. The proposed use shall provide for adequate pedestrian circulation, vehicular traffic movement and off-street parking::

The number of parking spaces meets the required min and ample circulation and aisles are provided to give easy access to all parking spaces, dumpsters, gas pumps, etc.

M. If the proposed conditional use will generate estimated off-site traffic in excess of the estimated off-site traffic generated by the most intensive by-right permitted use for the class of zone, off-site road improvements or fees for off-site road improvements shall be required to accommodate the excess traffic attributed to the proposed use of the property, based on a traffic engineering study. (Examples of off-site road improvements shall include but are not limited to: turn lanes, deceleration lanes, pavement widening, and traffic control devices.)::

Traffic report will be submitted if required

The applicant acknowledges reading the application. The applicant certifies that information herein along with all submitted documents are factual and correct. : Yes

The undersigned certifies that information herein along with all submitted exhibits are factual and correct.:



Signed in GovWell: Thursday August 6, 2026, 10:53am

Generated Documents

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July 17, 2026

Jeff Palmer
Director of Planning & Zoning
Clearcreek Township
7593 Bunnel Hill Road
Springboro, Oh 45066

Re: Conditional Use (Drive Through) – State Route 48 at Lytle Five Points

Jeff,

Please see below the answers to the specs found in Sec 16.07 of the code:

- A. The drive through will be located on the far side from the common drive and be blocked from view by the main building and by adjacent wood fencing and neighboring buildings.
- B.
 - 1. The front of the building is oriented towards the street.
 - 2. There will be no audible communication devices. The window will serve as the communication point
- C.
 - 1. 4 stacking spaces area provided (non-restaurant use)
 - 2. Stacking spacers area 180 sf min
 - 3. Stacking spaces do not impede traffic or block parking spaces.
 - 4. Stacking aisle is separated from the drive with a painted yellow line.
 - 5. Stacking spaces do not obstruct the driveway, fire access lane, walk ways or public road.
 - 6. Stacking spaces are not included in the parking space requirement.

Please call me at 513-424-5202 with any comments or questions.

Sincerely,

Joshua L. Liles, P.E.
Apex Engineering & Surveying, Inc.

File: 260672CA.doc

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LYTLE CORNER ASSOCIATES
0527300017
1422 E LYTLE-FIVE POINTS ROAD
CENTERVILLE , OH 45458

WILLIAMS, HERSELL
0527451005
9120 N ROUTE 48
CENTERVILLE , OH 45458

L.W. CLARK PROPERTIES LLC
0527451004
9140 N ROUTE 48
CENTERVILLE , OH 45458

PETROLEUM, LLC; 5501 BIGGER ROAD
0527451010
0 ROUTE 48
CENTERVILLE , OH 45458

BUTTERFIELD ENTERPRISES; LTD
0527451011
9066 ROUTE 48
CENTERVILLE , OH 45458

STATE OF OHIO
0527300018
0 ROUTE 48
CENTERVILLE , OH 45458

COR 310 CLEARCREEK LLC
0527300028
9175 ROUTE 48
CENTERVILLE , OH 45458

SCOOTER VENTURES, LLC
0527300021
9073 N ROUTE 48
CENTERVILLE , OH 45458

STATE OF OHIO
0527300020
0 ROUTE 48
CENTERVILLE , OH 45458

CLEARCREEK ASSOCIATES,LTD
0526100033
8843 ROUTE 48
WAYNESVILLE , OH 45068

MIAMI VALLEY MEMORY GARDE
0526200006
1639 E LYTLE-FIVE POINTS ROAD
WAYNESVILLE , OH 45068

CLEARCREEK TOWNSHIP
0527600011
0
CENTERVILLE , OH 45458

COR 310 LLC
0527600016
0 ROUTE 48
CENTERVILLE , OH 45458

DR FRALEY PROPERTIES LLC,
0527451006
9090 N ROUTE 48
CENTERVILLE , OH 45458

L.W. CLARK PROPERTIES LLC
0527451003
9150 N ROUTE 48
CENTERVILLE , OH 45458

OMESH PROPERTIES LLC
0527451008
0 ROUTE 48
CENTERVILLE , OH 45458

LAMB, TYLER & JESSICA
0527452002
1638 E LYTLE-FIVE POINTS ROAD
CENTERVILLE , OH 45458

, INC.; CREEK MASTER PROPERTY OW...
0527451030
1711 WINDING RUN BOULEVARD
CENTERVILLE , OH 45458

VAA PROPERTIES, LLC
0527300019
9125 N ROUTE 48
CENTERVILLE , OH 45458

TRANSFERRED

May 11, 2026

SEC 319.902 COMPLIED WITH
MATT NOLAN, Auditor
WARREN COUNTY, OH by BS
Consideration: 700000.00
Conveyance Fee: \$2,100.00
Transfer Fee: \$0.50
Conveyance#: 2877

LINDA ODA
WARREN COUNTY RECORDER

2026-012558

DEED
05/11/2026 08:56:39 AM
REC FEE: 58.00 PGS: 5
PIN:

by CJ 5 PGS
/GK

FILE NO: 2026-21757

GENERAL WARRANTY DEED

SKZ Properties LLC, an Ohio Limited Liability Company, of the County of Warren, State of Ohio, for valuable consideration paid, grants, with general warranty covenants, to Omesh Properties, LLC, an Ohio Limited Liability Company,

whose tax mailing address is 545 Conifer Trail, Bellbrook, OH 45305

the following Real Property:

See Exhibit A attached hereto and made a part hereof

Parcel Id No: ~~000705XXXX~~

Property Address: 0 Route 48 - Centerville, OH 45458

Prior Deed Reference: Instrument No. 2024-028955

Said premises are conveyed subject to all restrictions, conditions and covenants and to all legal highways and easements of record.

And, excepting all future real estate taxes and assessments due and payable thereafter.

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Signed and notarized this 1st day of May, 2026.

SKZ Properties LLC, an Ohio Limited Liability Company

By: Kimberly B. Ransom
Kimberly B. Ransom, Manager

STATE OF OHIO COUNTY OF MONTGOMERY ss.

Be It Remembered, that on this 1st day of May, 2026, before me, the subscriber, a Notary Public in and for said state, personally came **Kimberly B. Ransom, Manager of SKZ Properties LLC, an Ohio Limited Liability Company**, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be the voluntary act and deed of the above signed person(s)

In Testimony Thereof, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid. This is an acknowledgement clause. No oath or affirmation was administered to the signor(s).

Notary Public CS



CHAD J SINGER
Notary Public
State of Ohio
My Comm. Expires
September 15, 2026

This instrument was prepared by Christopher J. Mantica, Attorney at Law

WCED
Tax Map Dep
JG

05-27-451-008

Exhibit "A"

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Situate in Section 27, Town 3, Range 5 BTM.RS., Township of Clearcreek, County of Warren and State of Ohio;

And known being a part of that 9.224 acre tract as conveyed to the Butterfield Enterprises, Ltd. by the deed recorded in Book 3620, Page 278 of the Deed Records of said County and being described more particularly as follows:

Beginning for reference at a railroad spike found at the Southwest corner of the Southeast Quarter of said Section 27, said point also being the intersection of the centerline of State Route 48 and Lytle-Five Points Road, said point also being the Southwest corner of said 9.224 acre tract;

Thence leaving the centerline of Lytle-Five Points Road, with the centerline of State Route 48, the West line of said Half-Section line and the West line of said 9.224 acre tract North 02 deg. 23'15" East, 322.15 feet to a railroad spike set and the true point of beginning of the tract herein described;

Thence continuing with the centerline of State Route 48, said Half-Section line and the West line of said 9.224 acre tract North 02 deg. 23' 15" East, 127.00 feet to a railroad spike set at a Northwest corner of said 9.224 acre tract, the Southwest corner of that 0.817 acre tract as conveyed to Jack and Barbara L. Gerbs by the deed recorded in Book 1310, Page 845 of the Deed Records of said County;

Thence leaving the centerline of State Route 48 and said Half-Section line with a North line of said 9.224 acre tract and the South line of said 0.817 acre tract North 82 deg. 50' 00" East, 360.83 feet to a 5/8-inch iron pin set capped VAN ATTA #7354 at the South East corner of said 0.817 acre tract and an angle point in said 9.224 acre tract;

Thence on the following 6 New Division Lines:

1. South 02 deg. 20' 00" West, 253.23 feet to a 5/8-inch iron pin set capped VAN ATTA #7354;
2. Thence North 87 deg. 40' 00" West, 120.00 feet to a 5/8-inch iron pin set capped VAN ATTA #7358;
3. Thence on a curve to the right with a radius of 120.00 feet, internal angle of 26 deg. 52' 49" (long chord bearing North 74 deg. 13' 35" West, 55.78 feet) along the arc 56.30 feet to a 5/8-inch iron pin set capped VAN ATTA #7354;
4. Thence North 60 deg. 47' 11" West, 106.72 feet to a 5/8-inch iron pin set capped VAN ATTA #7354;
5. Thence to a curve to the left with a radius of 50.00 feet, internal angle of 26 deg. 49' 34"

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(long chord bearing North 74 deg. 11' 58" West, 23.20 feet) along the arc 23.41 feet to a 5/8-inch iron pin set capped VAN ATTA #7358;

6. Thence North 87 deg. 36' 45" West, 64.00 feet to the true point of beginning containing 1.6081 acres, more or less.

The above description is a result of a field survey performed by VAN ATTA Engineering under the direct supervision of Jeffrey A. VAN ATTA, PS #7354.

Basis of bearings is based on the East line of the Butterfield Enterprises, Ltd tract as recorded in Official Record Volume 3620, Page 278 of Warren County Records. (South 02 deg. 20' West). Survey References: Volume 126, Plat 59, Volume 78, Plat 18, SR 13, Page 166, SR 13, Page 162, SR 13, Page 164, Book 1310, Page 845, Book 836, Page 383, Book 462, Page 597, Book 409, Page 681, Book 1537, Page 392, Book 3620, Page 278.

Together with and subject to:

Easements in that certain Declaration of Easements and Covenants and Restrictions by Butterfield Enterprises LTD, an Ohio Limited Liability Company, dated June 13, 2007 and recorded June 21, 2007 in OR Volume 4483, Page 624 of the Warren County Records.

DEED RESTRICTION/PROTECTIVE COVENANT (Limited Restaurant Restriction)

The real property and the premises conveyed from Grantor to Grantee by the attached limited warranty deed shall be subject to and is encumbered by the following deed restriction and protective covenant and Grantee specifically assumes and acknowledges that the real property and premises herein conveyed from Grantor to Grantee is subject to the following described deed restriction and protective covenant:

Deed Restriction/Protective Covenant. Grantee and its members, shareholders, partners, directors, officers, affiliates, successors and assigns shall not directly or indirectly, own and/or operate (defined below) a family-style restaurant (defined below) for a period of forty (40) years after October 23, 2013. The terms "family style restaurant" shall mean a sit-down restaurant serving moderately priced food in a casual atmosphere, specifically including, but not limited to a Shoney's, Cracker Barrel, Denny's, IHOP, Friendly's, Big Boy, Perkins, Eat-N-Park, Silver Diner, Waffle House, Country Kitchen, Friday's, Applebee's, Outback Steakhouse, Bennigan's, Chili's, Panera, First Watch, Scramblers, Café Marie's, Scrambler Marie's, Rise & Dine Restaurants or Peach's. This limited restaurant restriction shall not apply to a fast food or quick service type restaurant (similar to McDonald's, Arby's, Quizno's or Starbucks). The fact that a restaurant serves alcoholic beverages specifically does not mean it is excluded from the definition of a "family style restaurant" and the fact that a restaurant does not serve food on a platter or serves the food in a buffet style wherein the customers help themselves does not mean it is excluded from the definition of "family style restaurant." The term "operate" shall include not only the improvements on the real property but also the parking areas, drives, entries or any

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other improvements used in connection with or to support such a business or to support a shopping center of which such a business is a part, provided that the operations are located on the tract of land conveyed by this deed.

This Deed Restriction/Protective Covenant shall run with the real property and premises hereby conveyed and shall be binding upon the Grantee and Grantee's successors in title to the real property and premises for a period of forty (40) years after October 23, 2013.

Enforcement of Deed Restriction/Protective Covenant. Grantor and its successors or assigns shall be entitled to obtain by legal proceedings, either at law or in equity, necessary remedies to a continuing breach of this Deed Restriction/Protective Covenant, including a claim for injunctive relief to prevent or stop a breach of this Deed Restriction/Protective Covenant. A failure of the Grantor or its successors or assigns to enforce the Deed Restriction/Protective Covenant shall in no event be construed, taken or held to be a waiver therefor or acquiescence in or consent to any continuing, further or succeeding breach or violation thereof: and Grantor shall at any and all times have the right to enforce the same.

Acceptance of Deed Restriction/Protective Covenant. Grantee by the acceptance of this limited warranty deed of conveyance for the real property and premises accepts the same subject to the Deed Restriction/Protective Covenant; and all obligations hereby imposed shall run with the real property and shall bind Grantee and its successors and assigns and inure to the benefit of Grantor and its successors and assigns.

Miscellaneous. The Deed Restriction/Protective Covenant imposed hereby shall not be abrogated or waived by any failure to enforce the provisions hereof, no matter how many violations or breaches may occur. The rights, privileges and powers herein retained by the Grantor shall be assignable to and shall inure to the benefit of Grantor's successors and assigns.

Parcel Id No: ~~0527451008~~-

Property Address: 0 Route 48 - Centerville, OH 45458

August 11, 2026

Jeff Palmer
Director of Planning & Zoning
Clearcreek Township
7593 Bunnel Hill Road
Springboro, Oh 45066

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**CLEARCREEK TOWNSHIP
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Re: Conditional Use (Drive Through) – State Route 48 at Lytle Five Points

Jeff,

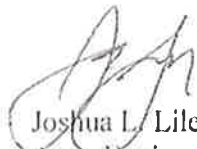
Please accept this letter verifying that Josh Liles, PE with Apex Engineering, will be representing Omesh Properties (Yash Pal Aggarwal) for all matters in dealing with the approval of the proposed development on parcel 0527451008 at the corner of SR 48 and Lytle Five points road:

Omesh Properties LLC
545 Conifer Tr
Bellbrook, OH 45305


Yash Pal Aggarwal, Owner

Please call me at 513-424-5202 with any comments or questions.

Sincerely,


Joshua L. Liles, P.E.
Apex Engineering & Surveying, Inc.