



*1368 Research Park Dr
Beavercreek, Ohio*

BEAVERCREEK PLANNING COMMISSION
Regular Meeting – January 7, 2026, 6:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. December 3, 2025
- V. PUBLIC HEARINGS
 - A. PUD 26-1, Raider Row Rezoning
 - B. PUD 25-1 SSP #1, Creekwood Preserve
 - C. PUD 97-1 AMEND 1/26, Hampton Inn/Homewood Suites
 - D. PUD 97-1 MOD 1/26, Major, Hampton Inn/Homewood Suites
- VI. ADJOURNMENT

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, December 3, 2025

PRESENT: Mr. Fountain, Mr. Jones, Mr. Meyer, Ms. Palumbo, Mr. Self

ABSENT: Mr. Jones

Chairman Self called the meeting to order followed by roll call.

Mr. Meyer MOVED to excuse Mr. Jones from the meeting. Motion was seconded by Mr. Fountain and PASSED by majority voice vote.

APPROVAL OF AGENDA

Mr. Fountain MOVED approval of the agenda. Motion was seconded by Ms. Palumbo and PASSED by majority voice vote.

APPROVAL OF MINUTES

Mr. Fountain MOVED approval of the November 5, 2025 minutes. Motion was seconded by Mr. Meyer and PASSED by majority voice vote.

PUBLIC HEARINGS

PC 25-9 CU, Birch Hill

Clerk Gillaugh read the public hearing on an application filed by Beavercreek Lodging, LLC, 1537 Burberry Lane, Schaumburg, Illinois 60173. The applicant requests conditional use approval to allow for an apartment hotel to be operated out of the existing building located at 3845 Germany Lane. The property is further described as Book 1, Page 9, Parcel 63 on the Greene County Property Tax Atlas.

Mr. Burkett summarized the staff report dated November 25, 2025, which stated the applicant is requesting conditional use approval to continue to occupy the existing building at 3845 Germany Lane and to continue to run the business as an apartment hotel. He discussed the location of the property, the surrounding businesses, the existing conditions on the site, the property approval history, the code enforcement action done in October 2025, the conditional use approval standards, the substantial detrimental effect this use has had, and the property limitations in terms of parking space requirements and the impervious surface requirements. Staff recommended denial of the case given the fact it currently has detrimental effects because of the higher crime rates compared to their peer hotels and the fact they cannot meet the minimum parking standards for the proposed use. Mr. Burkett explained if the case was denied, staff plans on giving anyone who has been there longer than 182 days until the end of January 2026 to find alternate accommodations.

In public input, Stewart Smith, Vice President of the self-storage facility next door, stated there was constant police activity on their site looking over at the hotel and monitoring what they are doing. He explained they have set up for drug raids on their property to go in there, there is constant loitering in the back parking lot, tenants are uncomfortable because people are using drugs in the

parking lot, and they are already using it as an extended stay. Mr. Smith believed it needed to end as soon as possible.

In written input, an email was received from Deborah Smith, Managing Member/Owner of the self-storage facility, that was opposed to the conditional use case.

There being no further public input, the public hearing was closed.

Counsel Lounsbury explained the Commission normally sees legislative cases, when zoning is being change, or administrative cases, when they review administrative site plans. He stated the BZA sits as a quasi-judicial board all the time, but this was the one time Planning Commission does since this case is a conditional use. Counsel Lounsbury said they have to think of themselves as a judge in a bench trial. He explained they are making findings of fact and the ultimate decision. Counsel Lounsbury stated that is why they need to make findings on the record based on the evidence that has been submitted, the staff report, the application, and the testimony that was give. He believed staff has done a great job of putting forth the zoning code provisions that need to be met. He said all three provisions need to be met in order to get approval for the conditional use and the applicant has the burden of proof of proofing they have met all of those conditions. Counsel Lounsbury discussed traffic, and stated zoning decisions cannot be based on traffic. He did not believe traffic was an issue here, and the City's main focus is they don't believe they meet Criteria B.

Mr. Burkett stated that was correct, and the reasoning for the recommendation of denial was Criteria B. He explained the Commissioners' questions should come from the evidence presented and not questions outside of what the evidence shows or what they make their determination based on.

Mr. Fountain said the conditional use approval tonight means they do not have permission to operate the way they have been already. Mr. Burkett said from a technical standpoint if the code was being followed the business would not operate until a conditional use was approved. Mr. Fountain stated they don't exactly know when the facility started operating with patrons who have been there past the 182 day limit, but questioned if staff thought it had been for a period of time. Mr. Burkett stated it had been a while based on the number of days some of the patrons have stayed.

Mr. Fountain referenced the Zoning Code and said regardless what the Code was when it was constructed or current code, they do not meet the impervious surface requirements. He said they were already in noncompliance with whatever approval they could get because the building and parking lot are over the allowable impervious surface requirements. Mr. Burkett explained we limit 75% now, but he was not sure what was in 2004. He stated his reasoning for bringing that up was because they are grandfathered in with the 82% they have currently, which means they do not have room to expand their impervious surface under the current zoning code.

Mr. Fountain referred the fire marshal survey from October, and said it was found that a significant number of residents exceeded the 182 day limit and assumed that was validation that they were clearly not in compliance. Mr. Burkett explained the 182 day requirement was the City's limit with a hotel/motel, and what the City was saying is anything more than 51% of a calendar year is deemed their permanent residence. Mr. Fountain stated if they had not gotten approval for the apartment hotel use, he questioned if they were still held to the 182 days limit. Mr. Burkett stated from a zoning perspective, they are not allowed to have people there for longer than 182 days unless they have conditional use approval for an apartment hotel. Mr. Fountain said if that use was allowed it would then impact the parking requirements, and they would be 47 spaces short. Mr. Burkett said yes for the apartment hotel use they would be 47 spaces short.

Mr. Fountain questioned how the police reports were requested, and wanted to make sure it was based on the use and not because of the location or the properties contiguous to it. Mr. Burkett explained the report was based off calls for service for everything that has been operating as a hotel or hotel-like property.

Mr. Fountain believed they have been operating as a non-compliance use for an extended period of time. He stated the parking requirements have not and could not be met, patrons have stayed longer than the allowed 182 day limit, and they have had a disproportionate amount of dispatch calls compared to the other hotels in Beavercreek.

Mr. Meyer asked if the number of service calls included fire or if it was just police. Mr. Burkett explained it was just police only. Mr. Meyer stated normally they hear conditional use cases where the business was not in use yet, and questioned if anything changed since the business was already in use. Counsel Lounsbury said no, and the decision being made tonight was about future use. He explained prior use may result in a zoning code violation being issued, which would go to the Board of Zoning Appeals if it was appealed. Counsel Lounsbury stated they are only looking at if they could operate as an apartment hotel moving forward.

Ms. Palumbo said if they were not to approve the apartment hotel, she questioned if an extended stay hotel use would be legal under the zoning code. Mr. Burkett said no because the extended stay hotel does not have a defined number of days so they default back to anything over 182 days which is then considered a permanent residence. Ms. Palumbo asked if the parking requirements could be considered as part of the conditional use standards in the code. Mr. Burkett explained it could be considered as part of Criteria C, but since all three standards have to be met, staff primarily focused on Criteria B. Counsel Lounsbury believed the amount of parking available would be covered under Criteria B. He said if there was not enough parking on their site and the patrons

were parking on other properties nearby, he questioned if it had substantial or material detrimental effect on the surrounding properties then.

Mr. Burkett stated when the chairman called for the applicant's presentation, there was no one present. He said the applicant was mailed a certified letter on November 18, 2025, stating the public hearing was tonight, and the applicant did receive it.

Mr. Self questioned in 2001 and in 2004 if there was a separate category in the Zoning Code for extended stay motel. Mr. Burkett said no, and the current Code does not have extended stay motel listed either. Mr. Self asked if in 2004 if this was approved as a motel by BZA. Mr. Burkett said yes. Mr. Self said according to our current code and code back then, it was not compliant with the requirements for a motel. Mr. Burkett said that was correct. Mr. Self stated if they were to approve this conditionally as an apartment hotel there was no way the parking requirements could be met. He explained if this was a rezoning or a specific site plan case, that would be a valid reason to turn down the application. Mr. Burkett agreed, and said it would be a reason for staff to recommend disapproval. Mr. Self stated they have a facility that is non complying with what they were originally approved for, and there was no way they could be compliant with what they are asking as a conditional use.

Mr. Fountain asked how Stewart Smith, public speaker, was linked to the letter the Commissioners received. Mr. Smith stated the letter referenced his middle name which is what he goes by.

Mr. Fountain MOVED to deny PC 25-9 CU for not meeting the criteria of Chapter 158.171(C)(4)(b) specific to not having adequate parking spaces, exceeding the impervious surface site coverage, and the disproportional increase of police dispatches to this specific site versus the other hotels in the City. Motion was seconded by Mr. Meyer. Motion PASSED by a roll call vote of 4-0.

PUD 541 MOD 11/25, Major, McDonald's

Clerk Gillaugh read the public hearing on an application filed by Vanessa Stickel, 3595 Albrecht Avenue, Akron, OH 44312. The applicant requests a major modification to allow for the construction of a 4,192 sq. ft. restaurant on 0.9 acres. The property is located at 4380 Indian Ripple Road further described as Book 3, Page 7, Parcel 174 on the Greene County Property Tax Atlas.

Vanessa Stickel stated they are requesting approval of a McDonald's located on an outlot within the Greene Crossing on Indian Ripple Road. She gave the history of McDonald's, and reviewed the site plan and elevation drawings of the building. She discussed the signage, and the trash enclosure. Ms. Stickel stated McDonald's was in agreement with all the conditions listed in the resolution, and showed the changes they have already made to four of the conditions.

Colin Wisniewski, McDonald's, introduced himself.

Mr. Carville summarized the staff report dated November 24, 2025, which stated the applicant is requesting approval of a major modification to allow for the construction of a 4,192 square foot McDonald's on 0.895 acres. He discussed the location of the site, the existing conditions, the surrounding properties' zoning districts, the site plan, the building design, the elevation drawings, the parking requirements, the proposed landscaping plan, and the proposed signage. Staff recommended approval of the case with conditions.

There being no public input, the public hearing was closed.

Mr. Meyer asked if staff felt the pressure treated wood as the gate on the dumpster enclosure was sufficient. Mr. Carville said they are ok with it. Mr. Meyer questioned if there should be a condition limiting the amount of window signage. Mr. Carville said the Code states they are not allowed to go over 50% coverage, and no permits are required for window signs.

Mr. Meyer questioned what the room was next to the dumpster. Ms. Stickel stated is a storage location for extra items that don't fit within the footprint of the restaurant. Mr. Meyer asked what the height was. Mr. Wisniewski believed it matched the height of the trash enclosure. He looked at the plan and said it was nine feet four inches. Mr. Meyer questioned what the use was of the second pick up window. Mr. Wisniewski explained the first window was the pay booth, the second window is where they serve the food, and if someone's order is taking longer than they can have them pull forward to be served at the third window. Mr. Meyer said there are three service doors on the street side of the building, and asked if there was a way to reduce the number of doors. Mr. Wisniewski explained the one door was used for dry stock, the second door was the CO2 closet, and the third was the freezer cooler. Mr. Meyer thought anything that could be done to help screen those would be good.

Ms. Palumbo said since McDonald's was such a popular restaurant, she questioned if there were any guidelines to make sure there was not an oversaturation of McDonald's within a certain area. Mr. Wisniewski explained they do extensive research to determine where their new restaurants should be located.

Mr. Fountain questioned if they looked at the other McDonald's site in the Beavercreek Towne Centre where the stacking was similar. Mr. Wisniewski explained the layouts are done on a case by case basis based on the specific site. He said with the third pick up window and the two designated parking spaces for waiting drive through patrons, he believed the stacking concern beyond the front corner of the building would not be an issue. Mr. Fountain was concerned about the stacking of the drive through and the handicap parking spaces. Mr. Wisniewski explained per ADA requirements, the crosswalk needs to be to the closest point of entry. Mr. Fountain questioned if they don't anticipate the stacking impacting the handicap entrance area during peak times. Mr. Wisniewski said he did not foresee it happening. Mr. Fountain explained he had seen the stacking issues at the Beavercreek Towne Centre location, and that was

why he was questioning if they had looked at any other stacking configurations on the site. Mr. Wisniewski explained they are limited with the size of the lot to add a lane and maintain the bypass lane around the building. Mr. Fountain asked where the ground sign was going to be located. Mr. Wisniewski stated it would be located in the southeast corner of the lot.

Mr. Self suggested if the stacking starts to flow outside of the property, they could put an arrow towards the front of the stack line and let cars back up into the adjacent parking lot rather than out onto the driveway. Mr. Wisniewski said they could do that with some pavement markings. Mr. Self thought the building was very attractive.

Mr. Meyer said if there was a stacking issue, he questioned if staff was able to address it. Mr. Carville said yes, the Code does have requirements listed.

Mr. Self asked if they were good on the pervious surface requirement. Mr. Carville confirmed they conform to the requirement.

Mr. Fountain MOVED to approve PUD 541 MOD 11/25 with 20 conditions:

1. All conditions contained in PUD 541, SSP #1 and all subsequent modifications to PUD 541 are incorporated herein by reference to the extent they are not specifically amended or altered by any plans and conditions with this Major Modification.
2. The approved site, grading and utility plans shall be those plans dated "Received November 24, 2025" except as modified herein.
3. The approved architectural elevations and signage plans shall be those plans dated "Received November 24, 2025" except as modified herein.
4. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on the building. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
5. A PUD Agreement must be signed by the owner/occupant and a bond or letter of credit for the required site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
6. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted within three months, weather permitting.
7. All trash collection containers shall be enclosed within the building or

screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with the same materials used to construct the building, the final design of which shall be reviewed and approved by the Planning Department prior to the release of a zoning permit.

8. The dumpster enclosure's gate shall be constructed of a vinyl or composite material, or other material, to be approved by the Planning Department. The gate shall be painted to match the adjacent material.
9. Temporary signs shall not be permitted within this development.
10. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit.
11. All man doors and service doors shall be painted to match the color of the building as to blend in with the proposed facade.
12. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
13. The façade shall not be painted or altered without the express permission of the Planning Department and/or the Planning Commission.
14. A final landscape plan and final photometric plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of a zoning permit for the building.
15. All wall signs shall be consistent with size and location of the proposed signs shown on the approved architectural elevations.
16. The ground sign shall be situated on a brick base, and have brick sides, the material of which shall match the principal building. The final design shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the sign.
17. The ground sign shall have no more than 50% electronic copy on each of the two faces.
18. All wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited.
19. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure or on any structure within this development except

BEAVERCREEK PLANNING COMMISSION, 12/3/25

as specifically approved by the Planning Commission and/or Planning Department.

20. EIFS parapet walls must extend 3 feet above the roofline.

Motion was seconded by Mr. Meyer. Motion PASSED by a roll call vote of 4-0.

ADJOURNMENT

Mr. Meyer MOVED adjournment at 7:11 p.m., seconded by Mr. Fountain. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT

Meeting Date: January 7, 2026	Reference Topic: PUD 26-1 Raider Row Rezoning

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

OVERVIEW:

The applicant is requesting the rezoning of approximately 8.916 acres from A-1 Agricultural to C-PUD (Commercial Planned Unit Development) to permit the future development of commercial retail and restaurant uses. The subject property is located at 3676 Colonel Glenn Highway. Concurrent with this request, a separate rezoning application is (or soon will be) under consideration by the City of Fairborn for approximately 5.25 acres of adjacent property. That application is intended to include conditions substantially similar to those proposed as part of this C-PUD rezoning, in order to facilitate coordinated development across both jurisdictions

STAFF RECOMMENDATION:

Staff is recommending approval of this request subject to the conditions as outlined in the attached Resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

Planning Commission may choose to recommend approval, approval with conditions, disapproval, or tabling of this application.

Burkett

CITY OF BEAVERCREEK

STAFF REPORT



December 30, 2025

PROJECT: Raider Row Rezoning

CASE NO.: PUD 26-1

APPLICANT: Jason Woodard
Woodard Development LLC (agent for owner)
505 S. Jefferson Street
Dayton, OH 45402

REQUEST

The applicant is requesting the rezoning of approximately 8.916 acres from A-1 Agricultural to C-PUD (Commercial Planned Unit Development) to permit the future development of commercial retail and restaurant uses. The subject property is located at 3676 Colonel Glenn Highway. Concurrent with this request, a separate rezoning application is (or soon will be) under consideration by the City of Fairborn for approximately 5.25 acres of adjacent property. That application is intended to include conditions substantially similar to those proposed as part of this C-PUD rezoning, in order to facilitate coordinated development across both jurisdictions.

EXISTING CONDITIONS

The area associated with the proposed PUD is predominantly vacant. The only existing development is an off-street parking lot owned by Wright State University, which is occasionally used for student parking. A small volleyball court is located northeast of the intersection of Presidential Drive and Colonel Glenn Highway.

The area shown in red on the map to the right represents the portion of the site under consideration with this application. The area shown in light blue represents the approximate area associated with the concurrent rezoning application to be considered by the City of Fairborn.

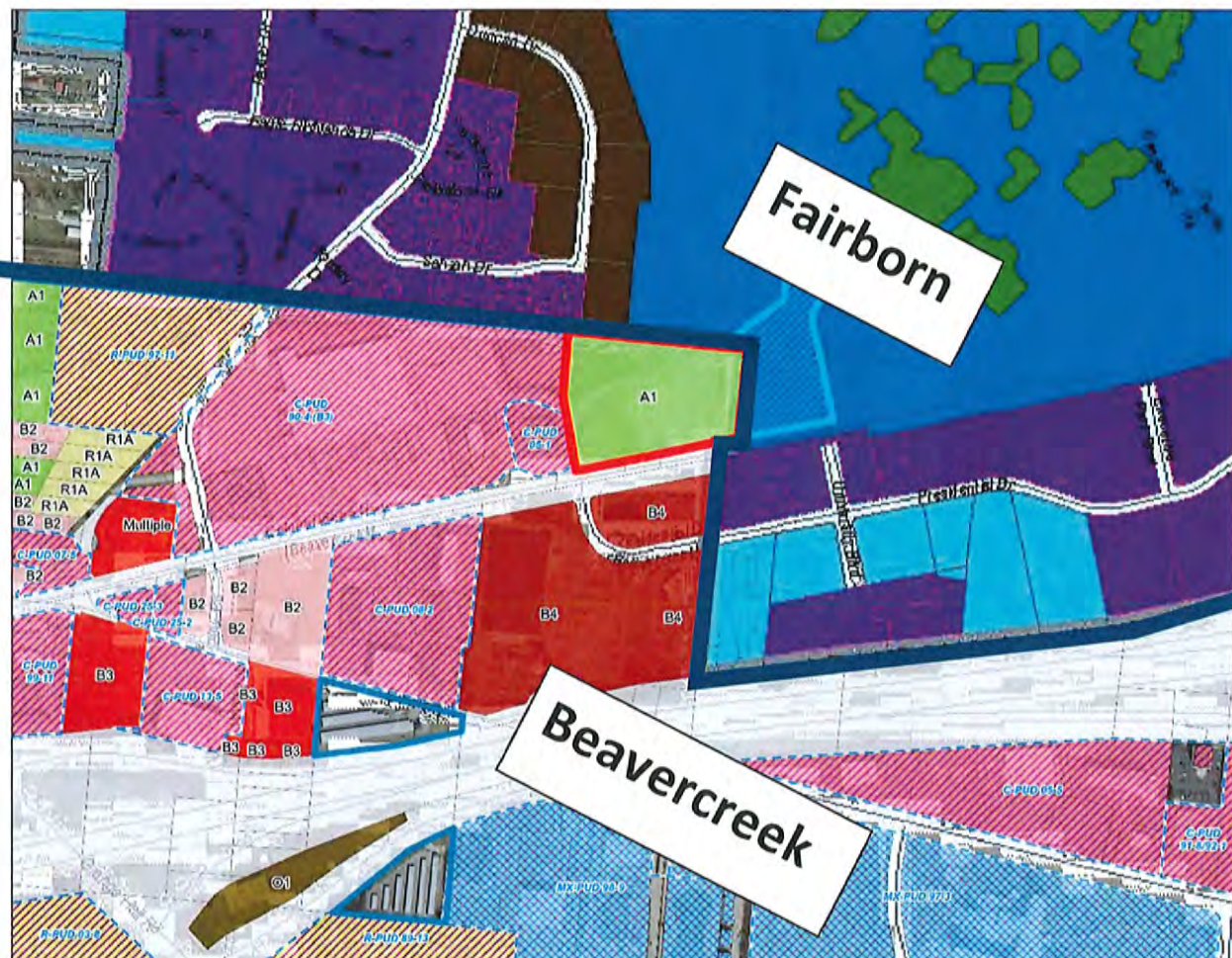


Current Zoning

As represented on the zoning map below, the property is currently zoned A1, Agricultural. The A-1 Agricultural District is intended to preserve agricultural uses, accommodate very low-intensity development, and provide for areas that may be transitional due to the absence of urban facilities and services, while protecting rural character and environmentally sensitive areas.

Surrounding Zoning

Direction	Zoning	Land Use
North	(Fairborn - Civic & Institutional), Med Density Residential	Vacant Land - Parking Lot
South	B-4	Tire store and retention pond
East	(Fairborn - Civic & Institutional)	Vacant Land
West	PUD 90-4 (B3) and PUD 05-4	Multi-tenant retail and detention pond

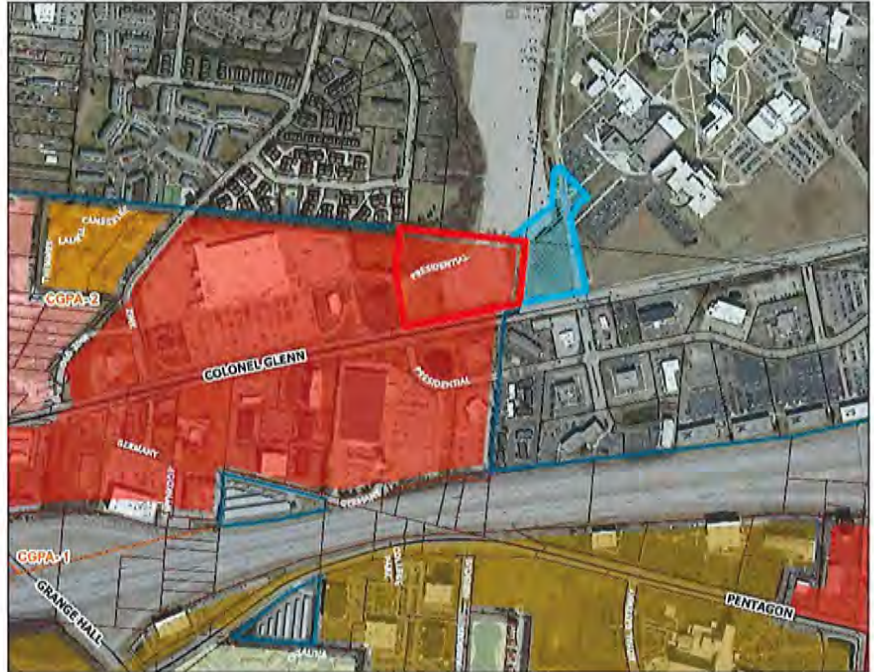


Land Use Plan

The City of Beavercreek Land Use Plan has the area associated with the proposed rezoning designated as Regional Commercial-Office (as represented in red on the map below). For areas with such designation, the Land Use Plan states:

"Regional Commercial developments provide a full range and variety of all aspects of commercial activity, oriented around one or more major department stores. These types of developments typically have a market area spanning a multi-county metropolitan region. Regional Commercial developments provide a broad spectrum of shopping goods and services."

The proposed rezoning, as described below is compatible with the Land Use Plan.



Utilities

Water and sewer are available at the site.

ANALYSIS

Proposed Zoning

In determining the appropriate uses within the proposed PUD, consideration has been given to the site's high visibility along Colonel Glenn Highway and its proximity to Wright State University, as well as the intent of the adopted Land Use Plan. The proposed PUD permits uses consistent with those allowed as permitted or conditional uses within the B-4 (Highway Business) zoning district.

Due to the site's location and overall lot size, staff recommends excluding certain B-4 uses that are not considered appropriate in this context. These excluded uses are identified by red strikethrough in the attached Resolution.

Any future development within the PUD will be required to incorporate four-sided architectural design elements, subject to approval by Planning Commission and City Council through the PUD Specific Site Plan and Modification processes.

Access, Circulation and Transportation Improvements

Final driveway locations and curb cuts for Raider Row will be determined at the site plan stage. However, due to the high traffic volumes and functional classification of Colonel Glenn Highway, no direct vehicular access will be permitted from Colonel Glenn Highway. Primary vehicular access to the site will be provided from Presidential Drive, which is better suited to accommodate site access while maintaining the safety and efficiency of the surrounding roadway network.

At the site plan stage, The Raider Row area will be designed to function as a walkable, mixed-use district with safe, efficient access for vehicles, pedestrians, cyclists, and transit users. Transportation improvements will focus on improving internal circulation, reducing conflicts between modes, and strengthening connections to the surrounding street network and adjacent campus uses.

RECOMMENDATION

Based on this analysis, staff recommends approval of this request, subject to the conditions outlined in the attached resolution. Planning Commission may recommend approval or disapproval to City Council or table the application if there is a request for additional information needed to make a recommendation.

Standards and Criteria for Planned Unit Development (§158.065 (I) of the Zoning Code):

(I) *Standards and criteria for Planned Unit Development zoning approval.* A planned unit development zoning classification shall only be approved when the following standards and criteria are satisfied.

(1) The planned unit development complies with the purpose and intent of this Zoning Code;

(2) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the city;

(3) The proposed zoning and the conditions and requirements incorporated within the ordinance approving the PUD zoning district provide for minimizing impacts on the surrounding development;

(4) The site will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;

(5) Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the city and the public;

(6) Existing and proposed utility services for the proposed residential population densities and nonresidential uses are or will be available to the project;

(7) The proposed development complies with applicable requirements and conditions of § 158.064;

(8) Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the city, adequate assurance has been provided by the applicant and to the satisfaction of the city that such objective will be achieved;

(9) Any permitted, conditional, or accessory uses excluded from the specific proposed planned unit development are based upon findings in accordance with §§ 158.071(B), 158.072(B), 158.073(B), and 158.074(B); and

(10) The planned unit development can be substantially completed within the time specified in the schedule of development submitted by the applicant.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
January 7, 2026

RE: C-PUD 26-1
Raider Row Rezoning

WHEREAS Woodard Development LLC (agent for owner) 505 S. Jefferson Street, Dayton, OH 45402, filed an application requesting to rezone 8.916 acres of land from A-1 Agricultural to C-PUD to allow for the construction commercial retail and restaurants. The property is located at 3676 Colonel Glenn Highway, Beavercreek Ohio, 45324, further described as Book 1, Page 10, Parcel 1 on the Greene County Property Tax Atlas; and

WHEREAS, public hearing was held on January 7, 2026 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Planning Commission finds that the facts submitted with this application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.065 (I) of the Zoning Code.

WHEREAS, the Beavercreek Planning Commission finds that the applicant's proposal is in general compliance with the City of Beavercreek Land Use Plan.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Beavercreek City Council:

SECTION I

1. The concept plan dated "December 9, 2025" shall be adopted as the approved concept plan for this C-PUD, except as modified herein.
2. The permitted and conditionally permitted uses within this PUD shall be those uses that are conditional and permitted in B-4 zoning districts, with the exception of those uses crossed out on Exhibit A.
3. All new buildings shall incorporate four-sided architecture and shall have no apparent rear. All dumpster enclosures shall incorporate three-sided architecture and an opaque front that is constructed of materials that match the new buildings. The buildings and dumpster enclosure shall be designed as required by the Planning Department, Planning Commission and City Council at the Specific Site Plan.

4. All building setbacks shall be established and subject to the approval of the Planning Department, Planning Commission, and City Council at the specific site plan stage.
5. All stormwater and detention issues related to this development shall be reviewed and approved by the City Engineer, Planning Commission and the City Council at the specific site plan stage.
6. The access points and types of access shall be subject to the approval of the City Engineer, Planning Commission, and City Council at the Specific Site Plan.
 - a. No direct access from Colonel Glen Highway will be permitted.

SECTION II

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED:

VOTING FOR ADOPTION:

ABSTAINED:

ABSENT:

Chairman

Attest:

Exhibit A

Uses permitted in B-4 Districts. Uses that are strikethrough shall not be permitted within this PUD.

- ~~Adult Day Care Facilities (overnight stay not permitted) (Conditional)~~
- ~~Adult entertainment facilities in accordance with §158.128 (Conditional)~~
- ~~Agricultural implement sales and service~~
- Amphitheaters/pavilions (Conditional)
- ~~Amusement parks (Conditional)~~
- ~~Animal daycare (Conditional)~~
- Antiques and secondhand merchandise stores
- ~~Appliance repair services~~
- ~~Appliances and supplies—retail~~
- Art galleries
- Artist, sculptor and composer studios
- Arcades, laser tag
- Auction houses (Conditional)
- Auditoriums
- Bakery and donut shops, (retail)
- Banking services (financial)
- Banquet halls, meeting rooms, party rooms (Conditional)
- Bar/tavern/night club
- Barber and beauty service and tanning salons
- Bicycle sales (retail), rental and repair
- Billiard rooms
- Bowling alleys
- Brewery, micro (with retail sales) (Conditional)
- Brewery, micro (Conditional)
- Brew pub
- ~~Builder supply store~~
- ~~Building Entry Systems~~
- ~~Canvas, tent and awning sales and service~~
- Carry outs - beer, wine and party supply
- Catering service
- Contract constructions services office and showroom (no outdoor storage)
- Convenience store
- Convenience store - drive thru (Conditional)
- ~~Crematory service (Conditional)~~
- Dance halls

- Delicatessen
- Dental laboratory services
- Dental services
- Department stores, including discount stores
- Distillery, micro (Conditional)
- ~~Drive-in movies (Conditional)~~
- ~~Drug and alcohol addiction rehabilitation clinics (no overnight facilities) (Conditional)~~
- Drug stores
- Dry-cleaning and laundry (pick-up stations), seamstresses, dress making and tailoring
- ~~Dry-cleaning operating (retail) utilizing machinery on-site not requiring cooling towers and external venting~~
- ~~Exterminating services~~
- ~~Farm supply, hay, grain and feed stores~~
- Farmer's market
- Fraternal, social and civic associations, including food and beverage services
- ~~Fuel oil sales and distribution~~
- ~~Funeral services and accessory crematory services~~
- ~~Glass window and door repair and sales stores~~
- ~~Go-cart tracks (Conditional)~~
- Golf - miniature (Conditional)
- ~~Golf driving ranges (Conditional)~~
- Grocery stores - including specialty stores such as meat, candy, dairy, and the like
- Handyman do-it yourself centers
- Hardware stores
- Health club, inside activity only
- ~~Heating, air conditioning and plumbing service repair (excluding well drilling) and retail stores~~
- Hobby shops
- Holistic health center
- ~~Home improvement contractors (no outside storage except in I-1 and I-2) (Conditional)~~
- Home improvement and decorating stores and services
- Hookah bar or Shisha bar
- Hospitals
- Hotels, motels, Apartment Hotel
- Income tax preparation
- ~~Janitorial services~~
- ~~Kennel or cattery (no closer than 500 feet to residential uses) (Conditional)~~
- ~~Landscape contractor (no outside storage except in I-1 and I-2) (Conditional)~~
- ~~Laundry and dry-cleaning self-service~~
- ~~Lawn mower sales, service and repair~~
- Legitimate theater

- ~~Locksmith~~
- ~~Lumber and other building materials—retail~~
- Massage therapy and medical massage or massotherapy
- Medical clinics - outpatient services
- Medical laboratory services
- ~~Manufactured home sales (Conditional)~~
- Motion picture theaters (indoor)
- Museums (Conditional)
- Nursery school/Pre-school/day care centers in accordance with §158.127 (Conditional)
- ~~Nursing or convalescent home/Assisted living facilities/Skilled nursing facilities~~
- Offices are as follows:
 - ~~Call center or telemarketing office (Conditional)~~
 - Corporate insurance carriers, home or regional offices (excluding drive-in claims service)
 - Engineering research and prototype development associated with offices (with limited production indoor only)
 - ~~Labor unions and similar labor organizations (excluding hiring halls)~~
 - ~~Labor unions and similar labor organizations (hiring halls)~~
 - Other professional services NEC
 - Professional and membership organizations
- Office, general
- Office supply stores
- Optical services and sales
- ~~Pawn shops (can't be located within 500 feet of existing similar use) (Conditional)~~
- ~~Payday loan services (can't be located within 500 feet of existing similar use) (Conditional)~~
- Pet grooming
- Physician services
- Place of religious assembly
- Pre-schools (Conditional)
- Printing services
- Public buildings including community center buildings and libraries
- ~~Public utility buildings, telephone exchanges, transformer stations and substations except garage and maintenance buildings (Conditional)~~
- Recreation facilities and customary accessory buildings and gymnasiums
- Research and engineering laboratories (with limited production indoor only)
- Residential cleaning services (Conditional)
- Restaurants - drive-in
- Restaurants - inside and accessory drive thru service only
- Retail, general
- ~~School, commercial truck driving (Conditional)~~
- School, trade

- ~~Shooting range (indoor) (Conditional)~~
- Skating rinks
- ~~Solar farms (private) (Conditional)~~
- Tattoo and piercing parlor
- Tattoo removal center
- ~~Taxicab business (Conditional)~~
- Teen clubs
- Television and radio stations (Conditional)
- ~~Towing Service—outdoor storage in I-1 and I-2 only (Conditional)~~
- Travel bureaus and ticket sales
- Tutoring centers
- Variety stores - retail
- ~~Vehicle paint and body shops~~
- Vehicle parking garages and lots (commercial) (Conditional)
- Vehicle parts and accessories, (retail)
- ~~Car rental service~~
- ~~Recreational vehicle rental including motorhomes, boats and the like~~
- ~~Vehicle repair stations (Major)~~
- ~~Vehicle repair stations (Minor)~~
- ~~Vehicle sales and service (new and used)~~
- ~~Vehicle sales and services (new and used) of recreational vehicles, semi-trucks/trailers, tractors and the like (Conditional)~~
- Vehicle service station (gas, lubricant, coolants and accessories only)
- Vehicle wash facilities
- Veterinary office, no overnight stay
- ~~Veterinary clinic with indoor kennels as part of clinical recovery, or animal hospitals~~
- Watch, clock and jewelry repair services
- Winery, micro (Conditional)



RECEIVED

DEC 09 2025

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

December 2, 2025

Mr. Randall Burkett
Planning & Development Director
City of Beavercreek
1368 Research Park Drive
Lower Level
Beavercreek, OH 45432

RE: Letter of Intent for Raider Row Commercial Planned Unit Development – Beavercreek, Ohio

Dear Randall,

This letter of intent is an outline of our current plan for proceeding as Developer with Wright State University ("WSU") to jointly develop approximately 8.916 acres located at the intersection of Colonel Glenn Highway and Residential Drive in the City of Beavercreek, Ohio (the "Property"). The proposed project will be known as Raider Row. Current Zoning is A-1 (Agricultural) and current use has been for a student and faculty parking area and sports field..

The Raider Row project on this Property is a Commercial Planned Unit Development (C-PUD) featuring approximately 18,400 square feet of retail and amenity space in three or more commercial buildings (preliminary design: four buildings) for a mix of retail, dining, services, and/or community amenities integrated via pedestrian and vehicular access. This plan will be a phased development and construction over multiple years with the specific configuration and phasing subject to market demand and tenant opportunity.

This development is designed to serve the Wright State University community (students, faculty, staff) by providing retail and amenity services supporting the university mission, enhance the surrounding Beavercreek community, and optimize current and underutilized property.

We look forward to working with you on this project. Please feel free to contact me if you have any questions or concerns.

Best,

Jason Woodard

**CITY OF BEAVERCREEK PLANNING
COMMISSION AGENDA ITEM
REPORT**

Meeting Date : January 7, 2026	Reference Topic: PUD 25-1 SSP #1 Creekwood Preserve

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

OVERVIEW:

The applicant is requesting approval of a specific site plan, in order to construct 53 single-family residential homes on 25.195 acres.

STAFF RECOMMENDATION:

Staff is recommending approval of this request subject to the conditions as outlined in the attached Resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

Planning Commission may choose to recommend approval, approval with conditions, disapproval, or tabling of this application.

Carville

CITY OF BEAVERCREEK

STAFF REPORT



December 31, 2025

PROJECT: Creekwood Preserve

CASE NO.: PUD 25-1 SSP#1

APPLICANT: Maronda Homes
Brian Hoesl
4710T Interstate Drive
Cincinnati, OH 45246

REQUEST

The applicant is requesting approval of a specific site plan, in order to construct 53 single-family residential homes on 25.195 acres.

EXISTING CONDITIONS

The property is located on the south side of Rushton Road, with access from Vayview Drive and Graham Drive, approximately 1,200 feet west of Grange Hall Road. The site currently contains one primary residence, multiple outbuildings, and a tree line along all property boundaries. A cell tower is also located on the property and will remain in place under an existing lease with the cell tower provider. The primary residence and outbuildings will be demolished.

Current Zoning

The 25.195-acre property was rezoned to PUD 25-1 in March of 2025 by the applicant, for the express permission to do what is being proposed with the site plan included in your packet (see attached Ordinance 25-02). This request is permitted within the property's current zoning.

Surrounding Zoning and Land Usage

The surrounding Zoning and Land Uses are as follows:

Direction	Zoning	Land Use
North	R-1A	Single Family Residential
South	A1 - Agriculture	Large Lot Residential-Agriculture
East	R-1A	Single-Family Residential

West	A1 - Agriculture	Vacant
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ANALYSIS

Density and Open Space

As part of the rezoning application, there was a condition in the Ordinance that limits the overall development to 2.25 dwelling units per acre. With this request, the applicant is proposing to create 53 single-family residential lots on 25.195 acres of land, which yields an overall a density of 2.10 dwelling units per acre, well within the guidelines. Of the 25.195 acres, approximately 10.49 acres (41.6%) will be green space. There will be roughly 2,839 linear feet of streets (the streets in this project will be public streets, dedicated to the City after construction and inspection). The proposal in this application meets the density permitted in the proposed rezoning case.

Phasing Plan

The applicant plans to complete the project in two phases. Phase 1, anticipated to begin in mid to late 2026, will include the grading of the entire 25.195 acres, the construction of 12 single family home sites, construction of the project's one of three retention ponds, and two access points (the construction of the access point connections to Vayview Drive and Graham Drive). Phase 2, which is anticipated to begin in 2027, will include the construction of 41 single family home sites and the remaining two retention ponds.

Lot Sizes

Proposed single family residential lots included with this plan range from 7,460 square feet (0.171 acres) to 12,388 square feet (0.284 acres). The average lot size for the project is 8,821 square feet or about 0.203 acres.

As part of the rezoning case, a condition was imposed requiring that all lots directly adjacent to R-1A zoning be a minimum of 20,000 square feet, or that a minimum 50-foot-wide strip of land, owned and maintained by a homeowners association, be provided to separate the new development from the existing neighborhood. For the R-1A properties to the north and west, a 50-foot buffer strip owned and maintained by the HOA has been provided, thereby satisfying this condition.

Building Setbacks

The proposed building setbacks requirements were established as part of the proposed rezoning, and are the following: 35-foot minimum rear yard requirement; 5-foot minimum side yard setback and no principle structures shall be closer than 15 feet from each other. All lots are proposed to have a 30-foot front yard setback.

Building Design

The homes within this development will be constructed by Maronda Homes. The developer anticipates the base price for the homes in this development to be around \$400,000 with sales price being in the mid to high \$400,000. For comparison, based on County GIS Data, the average sales price of single family homes sold within a half-mile within the last two years, was approximately \$281,548.

Included in the proposed Resolution are minimum building footprint sizes, and design standards. Single story ranch homes will be required to have a minimum footprint of 1,250 square feet, excluding garages and porches. Two story homes will be required to have a minimum footprint of 1,750 square feet, excluding garages and porches. All buildings will be required to be constructed of only natural materials such as wood, brick or stone, with the exception of simulated wood or cement fiber board which will be the only manmade material permitted. No aluminum or vinyl siding, metal, or concrete shall be permitted, except on fascia and soffit areas, or as accent features and trim.

Storm Water Management

All storm water management concerns must be addressed to the satisfaction of the Engineering Department prior to the release of the final subdivision record plan. The applicant is proposing three large retention ponds along the southern property line. A condition has been included in the resolution that requires fountains or other aeration devices be added to the retention ponds.

Lift Station

A wastewater lift station was installed in the center of Vayview Drive, blocking access to the northern subdivision. Lift stations play an integral role in moving sewage to a wastewater treatment plant across challenging elevations. This lift station will be removed as part of Phase I of the development, at the developer's sole expense, as part of future infrastructure improvements intended to enhance wastewater flow in the area; otherwise, access from Vayview Drive would be restricted. The developer will coordinate closely with Greene County Sanitary to determine the timing and method of removal and connection to the new sewer infrastructure, ensuring that impacts to residents are minimized and disruptions are kept as brief as possible.

Park Fees

Park & Impact fees will be due prior to the release of the subdivision record plan for each phase.

Transportation and Access Points

The primary access point will be located on Graham Drive, approximately 0.23 miles west of Grange Hall Road. Additional access will be provided through connections to the stub street at Vayview Drive. These connections will create secondary access points for emergency services and enhance connectivity between the existing neighborhood and the proposed development. Currently, the subdivision to the north contains approximately 118 homes and is served by only one access point,

which is not ideal for emergency situations. Graham Drive will be stubbed to the west, as will Penny Creek Drive to the south, to accommodate potential future development and to continue promoting interconnectivity between neighborhoods.

A traffic impact study was completed and submitted to the Beavercreek Engineering Department for review. Following a thorough evaluation, the study determined that the proposed 53-home development does not warrant any roadway improvements along Grange Hall Road. The development is expected to generate fewer than 700 vehicles per day in average daily traffic.

In addition to public roadways, the plans show the construction of four-foot sidewalks to be constructed along each of the residential roads inside the development.

Landscaping

Included in your packet is a landscape plan that demonstrates an effort to preserve as much of the existing perimeter landscaping as possible. Additionally, each buildable lot will be required to have one tree, with a minimum caliper of 2.5 inches at the time of planting, located between the sidewalk and the front of the house. These trees must be maintained by the respective property owner and replaced if they become dead or dying. Corner lots are required to have one tree of the same minimum caliper on each street frontage. The 50-foot buffer along the north and west property lines will continue to be maintained and preserved.

Lighting

The street lighting plan will be reviewed and approved by the City Engineer prior to the release of the record plat for recording. The applicant proposes installing two streetlights: one at the intersection of Penny Creek Lane and Graham Drive and another at the corner of Vayview Drive and Graham Drive. These are streetlights only and should not be confused with traffic signals. The streetlights will have full cutoff fixtures.

Signage

The final size and design of the entryway sign are still to be determined. The proposed sign will be located at the entrance to the new subdivision on Graham Drive, facing east. Staff has added a condition that the final size and design must be approved by the Planning Department prior to the issuance of a permit for the sign, and the sign shall not exceed eight feet in height from the adjacent grade.

RECOMMENDATION

Based on the analysis, staff are recommending approval of the applicant's request, subject to the conditions in the attached Resolution.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
January 7, 2026

RE: PUD 25-1 SSP #1 Creekwood Preserve

WHEREAS Maronda Homes, 4710 Interstate Drive, Suite T, Cincinnati, OH 45246 has filed an application requesting approval of a Specific Site Plan to allow for the construction of 53 single-family residential homes on 25.195 acres of land. The property is located at 4040 Graham Drive, further described as Book 1, Page 6, Parcel 9 on the Greene County Property Tax Atlas; and

WHEREAS, public hearing was held on January 7, 2026 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this Specific Site Plan application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Specific Site Plan approval as per §158.066 of the Zoning Code; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Beavercreek City Council:

SECTION I

The Beavercreek Planning Commission recommends to Beavercreek City Council approval of the Specific Site Plan application for the construction of 53 single-family residential homes on 25.195 acres of land, except as further modified by the following conditions and requirements:

SECTION II

1. The approved site shall be the plans dated "Received December 29, 2025" except as modified herein.
2. Hours of construction for any grading and exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m.
3. Prior to the commencement of any grading activities, the applicant shall post a street sweeping bond in an amount approved by the City. The applicant shall be responsible for

ensuring that all residential streets utilized to access the development remain free of mud, dirt, and construction-related debris for the duration of construction activities.

4. Prior to issuance of any zoning permits for the project, other than the model home, the applicant shall have a subdivision record plan recorded with the Greene County Auditor.
5. Prior to the release of the subdivision record plan for recording, the applicant shall sign a Subdivider's Contract on forms provided by the City and provide a bond or letter of credit for the required public improvements.
6. Prior to the release of the record plan for each section, park and impact fees for that section shall be paid in-lieu of dedication of parkland for said section as determined at the subdivision stage.
7. Final landscape plans are subject to final review and approval by the Planning Department prior to the release of a subdivision record plan for recording. All landscaping (unless otherwise authorized by the City Engineer) shall be kept out of the right-of-way.
8. There shall be one tree, a minimum 2.5" caliper at the time of planting, provided for each individual buildable lot, which shall be planted between the sidewalk and the front of the house. These trees shall be maintained by the respective property owner, and replaced if dead or dying. Corner lots shall have one minimum 2.5" caliper at the time of planting on each frontage.
9. A PUD Agreement, acceptable to the City, must be signed by the owner and a bond or letter of credit must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the city's landscaping and screening regulations.
10. Perpetual maintenance of landscaping planted in all common areas shall be provided and any dead or diseased materials shall be removed and replaced by the homeowner's associations with similar types, species and sizes, as originally planted, within three months of their removal, weather permitting.
11. Prior to the release of the subdivision, the applicant shall submit a copy of the covenants, restrictions, and homeowner's association documents to the City of Beavercreek for this subdivision, which shall, among other stipulations, provide requirements for maintenance and landscaping of common areas, communal mail facilities and the storm water ponds. The covenants, restrictions and homeowner's association documents, shall be reviewed and approved by the City Attorney and be recorded with Greene County prior to the release of any zoning permit for the site. Said maintenance and landscaping shall be provided by the homeowners association in perpetuity.

12. The homes constructed within this development must consist of brick, stone or cement board siding on all four sides of the building. The use of metal or vinyl sidings, including aluminum siding shall not be permitted except on fascia and soffit areas or as accent features.
13. The approved homes constructed within this development shall be generally consistent with the example homes attached. If needed, any disagreement between the Planning Department and the home builder as to what is considered "generally consistent" shall be decided by the Planning Commission.
14. Architectural elevations that are comprised completely of cement board siding must have a brick or stone base on the front elevation. Said base shall be at least 2 feet tall from adjacent grade.
15. Should any of the homes have exposed partial subterranean walls (such as a walk-out basement), the same materials used to construct the rest of the house must be extended to within 18" of the adjacent grade on that wall or walls.
16. The same home layout, or color scheme on a house shall not be permitted on either side of a house, or directly across the street from a house.
17. Any home builder other than Maronda Homes must provide the Planning Department with samples of past construction, to ensure consistency with architectural requirements, prior to issuance of a zoning permit. If needed, any disagreement between the Planning Department and the home builder as to what is considered architecturally consistent shall be decided by the Planning Commission.
18. Minimum Building Setbacks for this PUD are as follows:
 - a. 30-foot minimum front yard.
 - b. 35-foot minimum rear yard, except lots that abut existing R-1A lots, which shall have a minimum of 50-foot rear yard setback, and lots that abut existing R-PUD lots which shall have a minimum of 40-foot rear yard setback.
 - c. 5-foot minimum side yard. No principle structures shall be closer than 15 feet to each other.
 - d. On lots that share a side yard with the side yard of an existing R-PUD or R-1A lot, the side yard setback shall be 10 feet on each side.
19. The minimum square footage for residential units shall be as follows:
 - a. One-story principle structures shall be a minimum 1,250 square feet excluding garages and porches.
 - b. Two-story principle structures shall be a minimum 1,750 square feet excluding garages and porches.

20. Final entrance signs and the landscape plans for the entry features shall be approved by the Planning Department staff prior to any zoning permits being issued for the signs. The maximum height of entrance signs, including sign structure shall be 8 feet. In no instance shall the sign or its structure create a line of sight hazard for vehicles and/or pedestrians (including all forms of non-motorized transportation) from any direction.
21. One photoelectric light fixture shall be required for every lot with a residential structure.
22. All concerns of the Beavercreek Fire Department and Sanitary Engineer must be addressed prior to the release of a subdivision record plan. All concerns of the City Engineer including but not limited to road improvements, land dedication, grading, storm water management, and erosion control must be addressed prior to the release of a record plat.
23. Aeration and water circulation devices and/or fountains are required to be installed into any retention pond and shall be maintained by the homeowner's association in perpetuity. The first two feet of embankment above the waterline and two feet below the waterline shall be permanently covered in #2 stone so as to prevent erosion and weeds growing at the waterline.
24. Any existing wells on site that will be closed off, shall be closed under appropriate ODNR methods.
25. The final design and placement of any common mailbox(es) shall be reviewed and approved by the Planning Department prior to their placement.
26. All residential style trash totes shall be stored within or immediately adjacent to a primary structure, and shall be out of ordinary public view on days when trash collection is not occurring (except the night before scheduled pick-up is to occur).
27. Street lights shall be installed at the intersection of Pennycreek Lane and Graham Drive and the intersection of Vayview Drive and Graham Drive.
28. The use of chain-linked fencing shall be prohibited in this development.
29. Additional trees shall be planted within the 50-foot buffer area north of Lot 3, as shown on the proposed landscape plan.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

ADOPTED:

January 7, 2024

VOTING FOR ADOPTION:

VOTING AGAINST:

ABSENT:

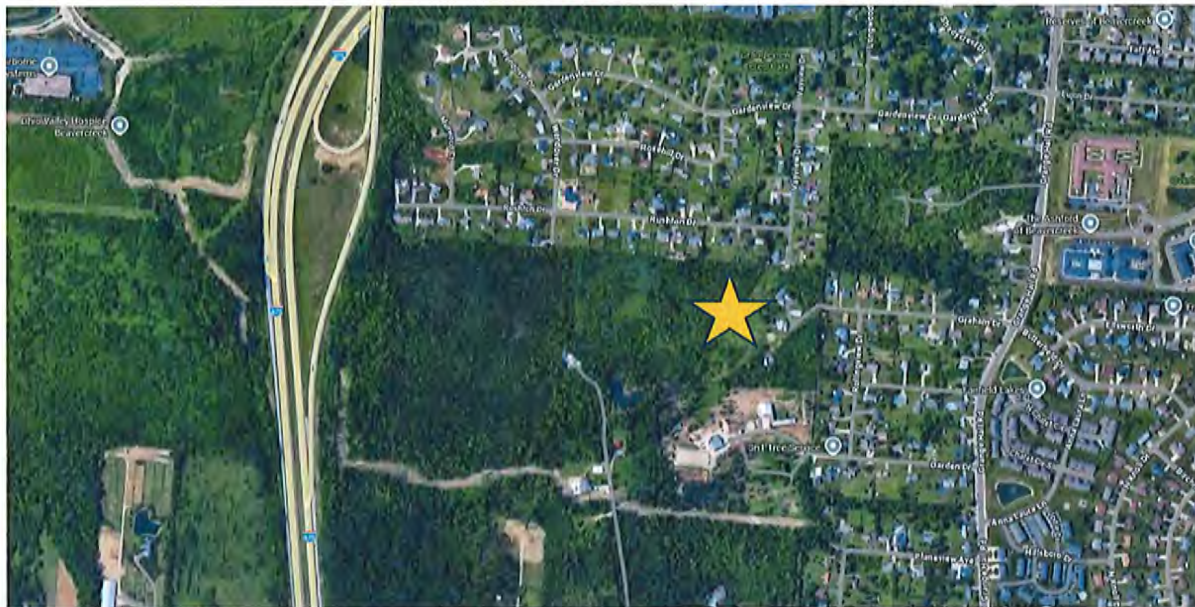
Chairman

Attest:

Traffic Impact Study

Analysis Snapshot

Choice One Engineering Corporation (COEC) was retained by Maronda Homes to analyze the traffic impact of a proposed residential development to be submitted to the Ohio Department of Transportation (ODOT). Thommen Property Development is proposed to be located on the south side of Rushton Drive and on the west side of Rollingview Drive located in Beavercreek, Greene County, Ohio. The proposed development is expected to have 53 single-family detached housing dwelling units. The purpose of this study is to identify the traffic-related impacts of the proposed development during typical weekday AM and PM Peak Hours.



This traffic impact study includes: Existing Conditions, Existing Traffic Volumes, Proposed Access Points, Trip Generation, Directional Distribution, Growth Rate, 2026 Opening Year Build/No-Build Traffic Volumes, 2036 Design Year Build/No-Build Traffic Volumes, Capacity Analysis, Turn Lane Analysis, Signal Warrant Analysis, Conclusion, and Recommendations.

Study Area

The study intersections for the proposed development are listed below. The numbering notation shown below for the intersections is the numbering notation utilized throughout the study.

1. Grange Hall Road & Gardenvue Drive/Lujon Drive
2. Grange Hall Road & Graham Drive/Butterfield Drive

Existing Conditions

Grange Hall Road is a three-lane roadway segment (one northbound lane, one southbound lane, one shared left turn lane) and is classified as a "Minor Arterial" in ODOT's Functional Classification system. The speed limit on Grange Hall Road is a posted 35 mph, and in 2025, the ADT for Grange Hall Road is 9,589 according to the data TIMS collected.

Graham Drive is a two-lane segment (1 westbound lane, 1 eastbound lane) and is classified as a "Local Roadway" in ODOT's Functional Classification system. The speed limit on Graham Drive is a posted 25 mph and there is no available ADT data per TIMS.

Gardenview Drive is a two-lane roadway segment (one westbound lane, one eastbound lane) and is classified as a "Local Roadway" in ODOT's Functional Classification system. The speed limit on Grange Hall Road is a posted 25 mph, and in 2025, the ADT for Gardenview Drive is 317 according to the data TIMS collected.

Existing Traffic Volumes

Video turning movement counts were collected by Choice One Engineering from 12:00 AM Tuesday, September 9, 2025, to 11:59 PM Wednesday, September 10, 2025, at the study intersections. The 2025 existing traffic volumes are attached in [Appendix A](#). The peak hours for the intersections are summarized below.

Peak Hours

Intersection	Date	AM Peak	PM Peak
Grange Hall Road & Gardenview Drive/Lujon Drive	9/10/2025	7:30-8:30	4:15-5:15
Grange Hall Road & Graham Drive/Butterfield Drive	9/10/2025	7:30-8:30	4:15-5:15

Proposed Access Points

The proposed site plan has two (2) proposed access points. (1) full access point that will tie into the existing roadway stub along Vayview Drive and one (1) full access point that will tie into the existing roadway stub along Graham Drive. The proposed site plan is attached in [Appendix B](#).

Trip Generation

Using the average trip-generation rates given in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 12th Edition*, the inbound and outbound trips for the proposed development were calculated. The site generated trips were estimated using 53 Single-Family Detached Housing units (Land Use Code 210). According to the *ITE Trip Generation Manual, 12th Edition*, the proposed development is estimated to generate 693 Vehicular Trips during a typical weekday, 41 Trips during the AM peak hour (11 inbound and 30 outbound) and 54 trips during the PM peak hour (33 inbound and 21 outbound). The forecasted generated trips are attached in [Appendix C](#).

Directional Distribution

COEC analyzed the existing traffic volumes, population density, and the proposed concept plan to formulate the directional distribution.

Directional Distribution

Route	Approach/Departure Distribution
To/From the North on Grange Hall Road	60% / 40%
To/From the South on Grange Hall Road	40% / 60%
Total	100% / 100%

Growth Rate

Traffic counts along Grange Hall Road has an annual linear growth factor of 1.30 between 2020 and 2050. This growth factor was obtained from Miami Valley Regional Planning Commission. The growth rate email is attached in [Appendix D](#)

Annual Growth Rate

Roadways	Growth Factor	Growth Rate
Grange Hall Road	1.30	1.0%
Gardenview Drive/Lujon Drive	0	0.0%
Graham Drive/Butterfield Drive	0	0.0%

2026 Opening Year Build Traffic Volumes

The 2026 Opening Year Build Traffic Volumes were calculated from the Existing Traffic Volumes increased by an annual growth rate for one years, and then adding the trips generated by the proposed development to each of the entering and exiting movements. The 2026 Opening Year Build Traffic Volumes are attached in [Appendix C](#).

2036 Design Year Build Traffic Volumes

The 2036 Design Year Build Traffic Volumes were calculated from the Existing Traffic Volumes increased by an annual growth rate for eleven years, and then adding the trips generated by the proposed development to each of the entering and exiting movements. The 2036 Design Year Build Traffic Volumes are attached in [Appendix C](#).

Capacity Analysis

Utilizing the AM and PM Peak Traffic Volumes, capacity calculations were performed for the studied intersections. The calculations employed procedures documented in the Highway Capacity Manual (Transportation Research Board, Seventh Edition, Updated 2022). The capacity of an intersection (signalized or un-signalized) can best be described by its corresponding Level of Service (LOS). The LOS of an intersection is a qualitative measure of the various attributes of an intersection. There are six LOS ranging from "ideal" free flow conditions at LOS "A," to forced or "breakdown" conditions at LOS "F." The LOS for un-signalized intersections is based upon total delay. Total delay is defined in the Highway Capacity Manual as the total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line; this time includes the time required for the vehicle to travel from the last-in-queue position to the first-in-queue position.

Capacity calculations were performed in Synchro for the studied intersections analyzing the 2036 Design Year No-Build/Build. The table below show a summary of the AM and PM Design Hour Capacity Analysis.

Summary of 2036 Design Year Capacity Analysis

Direction	AM Peak Hour		PM Peak Hour	
	No-Build	Build	No-Build	Build
1-Grange Hall Road & Gardenview Drive/Lujon Drive				
Eastbound Approach	D (34)	E (40)	F (50)	F (62)
Westbound Approach	D (28)	D (28)	C (24)	C (24)
Northbound Approach	A (0)	A (0)	A (0)	A (0)
Southbound Approach	A (0)	A (0)	A (0)	A (0)
Total Intersection LOS (Delay)	A (1)	A (2)	A (2)	A (2)
2-Grange Hall Road & Graham Drive/Butterfield Drive				
Eastbound Approach	C (24)	E (36)	E (43)	F (54)
Westbound Approach	C (22)	C (22)	B (13)	B (13)
Northbound Approach	A (0)	A (0)	A (0)	A (0)
Southbound Approach	A (0)	A (0)	A (0)	A (0)
Total Intersection LOS (Delay)	A (1)	A (2)	A (1)	A (1)

Based on the capacity analysis, the eastbound approach at the intersection of Grange Hall Road & Gardenview Drive/Lujon Drive (Intersection 1) is projected to operate at a failing Level of Service (LOS) under both the 2036 Design Year No-Build and Build scenarios. These deficiencies reflect existing operational constraints and are not attributable to the proposed development. Similarly, at the intersection of Grange Hall Road & Graham Drive/Butterfield Drive (Intersection 2), the eastbound approach is expected to operate at a failing LOS under the 2036 Design Year Build scenario. However, the proposed development is anticipated to result in only a marginal increase in delay. Both intersections currently include a two-way left-turn lane (TWLTL) along Grange Hall Road, which allows drivers on the minor street to complete a two-stage left-turn maneuver, turning first into the center TWLTL and then merging into the mainline through lane when gaps permit. This operation can reduce delay for minor street approaches, partially mitigating the observed deficiencies in the LOS results. Therefore, the proposed development is not expected to cause any significant degradation in intersection operations or overall network performance. The 2036 Design Year Build/No-Build Capacity Analysis is attached in [Appendix F](#).

Turn Lane Analysis

Turn Lane Analysis were completed for the free flow movements along Grange Hall Road, Graham Drive, and Gardenview Drive using the 2036 Design Year Build Traffic Volumes. Turn lane warrants were checked against the 2-Lane Highway Right Turn Lane Warrants figures for a <=40 MPH Roadway in the ODOT Access Management Manual. Existing left turn lanes are present at the studied intersections; therefore, no further analysis was conducted for these movements. As a result of the analysis, no new turn lanes are warranted for the proposed development. The turn lane analyses are attached in [Appendix F](#).

Signal Warrant Analysis

In accordance with the 2012 OMUTCD, Chapter 4C, using the 2026 Opening Year Build traffic volumes and lane setup, the studied intersections were tested against the following three signal warrants:

Warrant 1 – Eight Hour Vehicular Volume
Warrant 2 – Four Hour Vehicular Volume
Warrant 3 – Peak Hour

The Eight Hour Vehicular Volume warrant requires that an intersection has eight separate hours where the volume of vehicles approaching the intersection is above a given threshold determined by the Ohio Department of Transportation (ODOT). The Four-Hour Vehicular Volume and the Peak Hour Vehicular Volume warrants require that an intersection has four separate hours and a single hour, respectively, where the volume of vehicles approaching the intersection is above a given threshold.

As a result of the analysis, the volume of vehicles approaching the studied intersections on the minor street approaches do not meet the required volume to satisfy Warrants 1, 2, or 3. The signal warrant analysis is attached in [Appendix G](#).

Conclusion

The following points summarize the findings of the capacity, turn lane, and signal warrant analyses:

- Although the eastbound approaches at the studied intersections operate at failing levels of service, the proposed development will contribute a marginal increase in delay.
- No new turn lanes are warranted based on the 2036 Design Year Build Traffic Volumes.
- None of the studied intersections meet the criteria for signal warrants due to low traffic volumes on the minor street approaches.

Based on the results of the analyses, no improvements are recommended at the studied intersections. However, it is recommended that the studied intersections continue to be monitored for potential future improvements as development and traffic volumes continue to increase.

Recommendations

Based on the results of the analysis, the following recommendations are made for the surrounding roadway network:

Grange Hall Road & Gardenview Drive/Lujon Drive (Intersection 1)

- No improvements warranted.

Grange Hall Road & Graham Drive (Intersection 2)

- No improvements warranted.

Proposed Drive extension off Graham Drive

- Install the full access drive approximately 1200' west of Grange Hall Road

Proposed Drive extension off Vayview Drive

- Install the full access drive approximately 200' south of Rushton Drive

MARONDA
Homes

BIRMINGHAM

Elevation E
Americana Series



RECEIVED

DEC 29 2025

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

MARONDA
Homes

CARLISLE
Elevation B
Americana Series



MARONDA
Homes

CHATTANOOGA

Elevation K
Americana Series



MARONDA
Homes

DALLAS
Elevation C
Americana Series





Optional Stone with Porch



Optional Brick with Porch



Optional Stone



Optional Brick

MARONDA
Homes

SOMERSET
Elevation F
Americana Series



MARONDA
Homes

MIRAMAR
Elevation H
Americana Series





ORDINANCE NO. 25-02

CITY OF BEAVERCREEK

SPONSORED BY VICE MAYOR _____ BALES _____ THE
24TH DAY OF _____ MARCH _____, 2025.

AN ORDINANCE REZONING 25.195 ACRES FROM A-1 AGRICULTURAL, FURTHER DESCRIBED AS BOOK 1, PAGE 6, PARCEL 9 ON THE PROPERTY TAX MAPS OF GREENE COUNTY, OHIO TO R-PUD 25-1 RESIDENTIAL PLANNED UNIT DEVELOPMENT. (PUD 25-1)

WHEREAS, Maronda Homes, 4710 Interstate Drive, Suite T, Cincinnati, OH 45246 requests rezoning and concept plan approval; and

WHEREAS, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.065 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.071 of the Zoning Code, each and all of the permitted uses are appropriate for this specific Planned Unit Development; and

WHEREAS, Beavercreek City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 25.195 acres of land, located at 4040 Graham Drive, Beavercreek, Ohio, further described as Book 1, Page 6, Parcel 9 on the Greene County Property Tax Atlas and as further described in the attached "Exhibit A", be rezoned from A-1 to R-PUD Residential Planned Unit Development.

SECTION II

The following conditions and requirements shall apply:

1. The concept plan dated "Received January 17, 2025 " shall be incorporated as part of this zoning approval except as further modified by the following conditions.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be those principal, conditional, and accessory uses permitted in R-1A zoning districts.
3. Maximum density for this R- PUD shall be 2.25 dwelling units per acre.
4. Lots shall be a minimum of 60 feet wide.
5. Any proposed lots which are directly adjacent to R-1A residential lots, shall be a minimum of 20,000 square feet, any proposed lots which are directly adjacent to R-PUD residential lots, shall be a minimum of 16,000 square feet. The use of an association-own strip of land, in lieu of meeting the adjacency requirements, shall separate the new neighborhood with the existing neighborhoods by at least 50 feet.
6. Minimum Building Setbacks for this PUD are as follows:
 - a. 30-foot minimum front yard.
 - b. 35-foot minimum rear yard, except lots that abut existing R-1A lots, which shall have a minimum of 50-foot rear yard setback, and lots that abut existing R-PUD lots which shall have a minimum of 40-foot rear yard setback.
 - c. 5-foot minimum side yard. No principle structures shall be closer than 15 feet to each other.
 - i. On lots that share a side yard with the side yard of an existing R-PUD or R-1A lot, the side yard setback shall be 10 feet on each side.
7. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage. Also, special attention will be given to resolving any possible impacts to Vayview Drive and Graham Drive ingress/egress by the Greene County lift station that exists at the end of Vayview Drive.
8. Building plans, designs and elevations for residential structures within this project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.

9. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.
10. There shall be no more than 55 homes permitted within this PUD.

PASSED this 14th day of April, 2025.



Mayor

ATTEST:



Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 25.195 acres of land from A-1 to R-PUD Residential Planned Unit Development.

This is not an emergency ordinance and will become effective 30 days after passage.

§ 158.066 APPROVAL PROCEDURES FOR SPECIFIC SITE PLAN.

(M) *Standards and criteria for specific site plan approval.* A specific site plan shall only be approved when the following standards and criteria are satisfied.

- (1) The specific site plan complies with the purpose and intent of the specific PUD zoning;
- (2) The proposed development carries out the purpose and intent of the City's Land Use Plan;
- (3) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the city;
- (4) The specific site plan substantially complies with the substantial conformance requirement of division (G);
- (5) The proposed development has no significant detrimental impact that outweighs the development's benefits to the community;
- (6) The proposed streets and driveways on the site of the proposed development will be adequate to serve the residents, occupants or users of the proposed development, and the specific site plan, along with any necessary off-site vehicular circulation improvements, provides adequate vehicular ingress and egress and will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;
- (7) The proposed development minimizes conflicts between vehicular, pedestrian and bicycle circulation patterns and movement;
- (8) The benefits of the proposed development mitigate any burden on public services and facilities, including fire and police protection;
- (9) Existing and proposed utility services for residential population densities and nonresidential uses are adequate for the projected demand during all phases of development and at full completion of development;
- (10) The proposed development complies with applicable requirements and conditions of § 158.064;
- (11) Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the city, adequate assurance has been provided by the applicant and to the satisfaction of the city that such objective will be achieved;

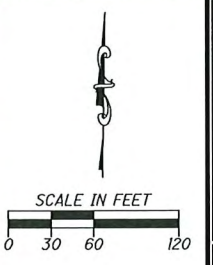
(12) The design and other amenities incorporated in the proposed development will provide increased benefits to the residents, occupants, users and the community and such design and other amenities are in accord with the planned unit development provisions of this Zoning Code and other applicable ordinances of the city; and

(13) The proposed development contains such covenants, easements, and other such forms of property rights and control as may reasonably be required for the maintenance and care of common, private facilities and for the public health, safety and welfare. If governmental ownership of common open space, recreational facilities, or other common facilities is planned, a copy of its acceptance has been filed with the application.

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	GREENSPACE	STORMWATER MANAGEMENT BASIN
PHASE 1:	12 LOTS	
1,090' TOTAL STREET LENGTH		
TOTAL SPACE: 9.71 ACRES		
GREEN SPACE: 5.63 ACRES (58%)		
PHASE 2:	41 LOTS	
1,746' TOTAL STREET LENGTH		
TOTAL SPACE: 15.46 ACRES		
GREEN SPACE: 4.86 ACRES (31%)		
GENERAL LOT SIZE & SETBACKS (53) 60'x130' LOTS		
FRONT = 30', REAR = 35'		
SIDE = 5' MIN, 15' TOTAL		
53 TOTAL LOTS		
5' SIDEWALK		
50' R/W STREETS (27' B/B)		
TOTAL LINEAR FEET OF STREETS: 2,839'		
GRAHAM DRIVE: 1,584'		
VALLEY VIEW DRIVE: 205'		
BACHMAN DRIVE: 399'		
TOBIAS STREET: 236'		
PENNYCREEK LANE: 415'		
TOTAL DEVELOPMENT SPACE: 25.195 ACRES		
GREEN SPACE: 10.49 ACRES (41.6%)		



Choice One Engineering

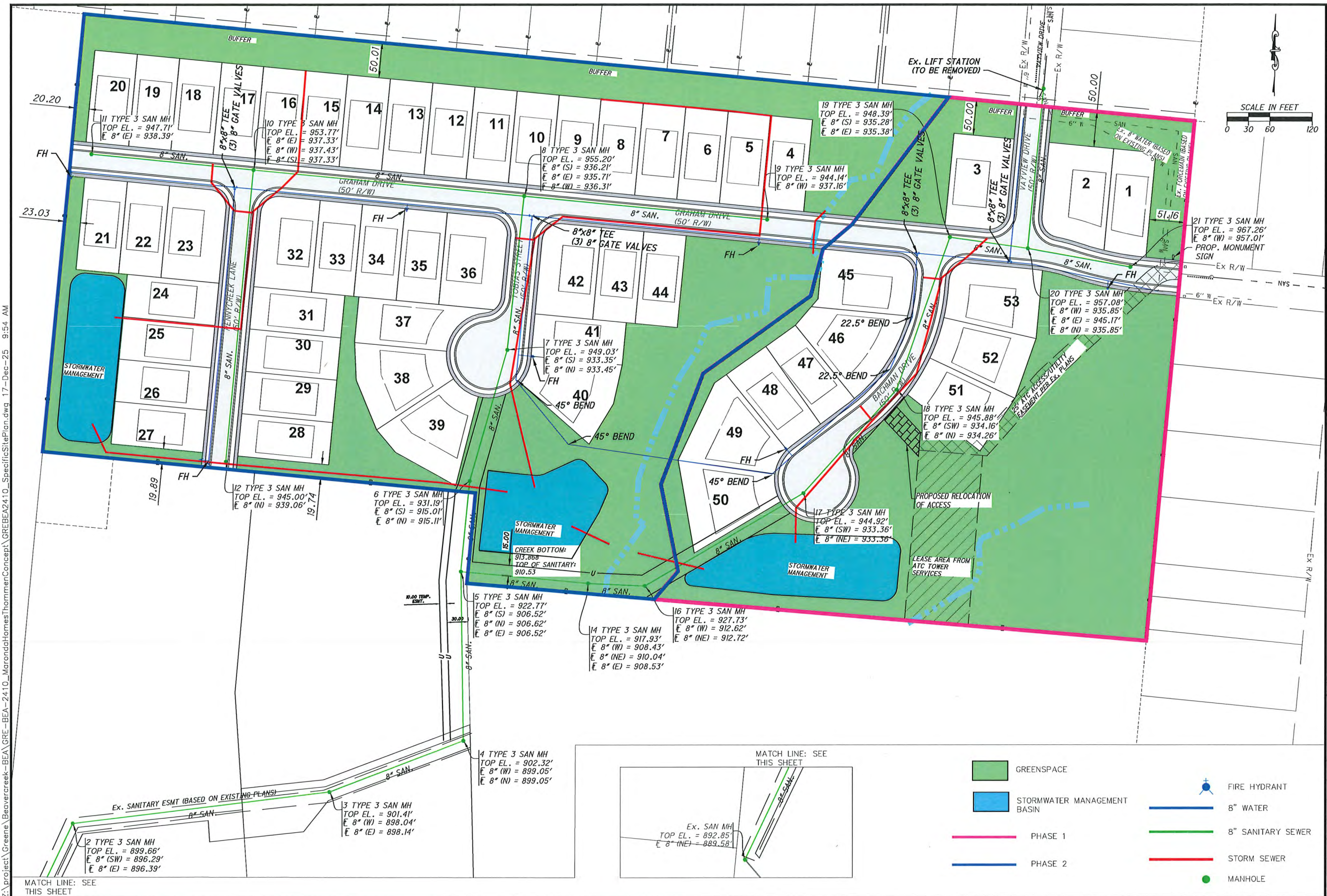
SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.235.8554
WWW.CHOICEONEENGINEERING.COM

CREEKWOOD PRESERVE SUBDIVISION
CITY OF BEAVERCREEK
PRELIMINARY CONCEPT LAYOUT FOR R-PUD

REVISIONS:

FILE NAME	Spec1
DRAWN BY	KMM
CHECKED BY	R.J.
PROJECT No.	GREBEA2410
DATE	10-29-2025
SHEET NUMBER	1 OF 4

RECEIVED
DEC 29 2025
CITY OF BEAVERCREEK
PLANNING DEPARTMENT



**CREEKWOOD PRESERVE SUBDIVISION
CITY OF BEAVERCREEK
PRELIMINARY UTILITY LAYOUT**

REVIEWS:
FILE NAME <i>Speci</i>
DRAWN BY <i>KMM</i>
CHECKED BY <i>RJL</i>
PROJECT No. <i>GREBEA2410</i>
DATE <i>10-29-2025</i>
SHEET NUMBER <i>2 OF 4</i>

Z:\project\Greene\Beavercreek\BEA\GRE-2410_MarondaHomes\ThommenConcept\GREBEA2410_RENDERING.dwg 01-Dec-25 3:04 PM





Choice One
Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

CREEKWOOD PRESERVE SUBDIVISION
CITY OF BEAVERCREEK
RENDER

REVISIONS:

FILE NAME	RENDER
DRAWN BY	KMM
CHECKED BY	RJL
PROJECT No.	GREBEA2410
DATE	10-29-2025
SHEET NUMBER	4 OF 4

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CHOICE ONE
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SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.331.6554
WWW.CHOICEONEENGINEERING.COM

CREEKWOOD PRESERVE SUBDIVISION
CITY OF BEAVERCREEK
PRELIMINARY GRADING LAYOUT FOR R-PUD

REVISIONS:
FILE NAME Spec
DRAWN BY KMM
CHECKED BY RJJ
PROJECT No. GREBEA2410
DATE 10-29-2025
SHEET NUMBER 3 OF 4

**CITY OF BEAVERCREEK PLANNING
COMMISSION AGENDA ITEM
REPORT**

Meeting Date : January 7, 2026	Reference Topic: PUD 97-1 AMEND 1/26

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

OVERVIEW:

The applicant requests approval to amend PUD 97-1 to incorporate multiple court-approved changes to the judicially approved PUD for the property located north of Kemp Road, approximately 500 feet east of the intersection of Kemp Road and North Fairfield Road.

STAFF RECOMMENDATION:

Staff is recommending approval of this request subject to the conditions as outlined in the attached Resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

Planning Commission may choose to recommend approval, approval with conditions, disapproval, or tabling of this application.

Carville

CITY OF BEAVERCREEK
STAFF REPORT



December 31, 2025

PROJECT: Hampton Inn/Homewood Suites

CASE NO.: PUD 97-1 Amend 1/26

APPLICANT: HiFive Development Services
202 W Main Street
Mason, OH 45040

REQUEST

The applicant requests approval to amend PUD 97-1 to incorporate multiple court-approved changes to the judicially approved PUD for the property located north of Kemp Road, approximately 500 feet east of the intersection of Kemp Road and North Fairfield Road.

BACKGROUND

The subject property consists of approximately 25.986 acres located at the corner of North Fairfield Road and Kemp Road. On May 27, 1997, City Council adopted Ordinance No. 97-27, which rezoned the property from A-1 (Agricultural), B-2 (General Business), and B-3 (Service Business) zoning districts to a Commercial Planned Unit Development (C-PUD). That action was subsequently placed on the ballot through a referendum in November 1997, at which time the voters overturned Ordinance No. 97-27, resulting in the property retaining its original A-1, B-2, and B-3 zoning classifications.

On October 16, 1998, Michael D. Lofino, Trustee of the Charles J. Lofino Grandchildren's Trust and owner of the subject property, filed a federal lawsuit seeking reinstatement of the Commercial PUD zoning. The lawsuit was mediated on April 28, 2000, culminating in an Agreed Order Upon Settlement filed on May 17, 2000. Under the terms of the Order, the City was required to amend its Zoning Map, as adopted by Ordinance No. 80-19, to rezone the 25.986-acre property from A-1, B-2, and B-3 to Commercial PUD, and to approve a new concept plan for the property subject to specific requirements. Paragraph 6 of the Order further provided that the parties would take all reasonable actions and execute all necessary documents to effectuate the terms and intent of the Agreement. City Council subsequently adopted Ordinance No. 00-27 on July 10, 2000, formally incorporating the requirements of the Agreed Order.

On March 6, 2015, the Granger Group proposed development of an assisted living facility on approximately 19.47 acres of the subject property and requested rezoning from C-PUD 97-1 to C-PUD

15-2. On April 1, 2015, the Planning Commission recommended approval of the request with conditions, including limiting permitted uses on the 18.46-acre portion to assisted living (excluding skilled nursing facilities and independent senior living units), permitting B-2 district uses on a 1.01-acre outparcel, and requiring Planning Commission review of any conditional uses. The recommendation also stated that approval was contingent upon acceptance of mutually agreeable modifications to the conditions of the prior federal court settlement; however, the proposed assisted living development did not proceed, and no application was made to the federal court to amend the 2000 Order. City Council nevertheless adopted Ordinance No. 15-10 on April 27, 2015, approving the rezoning with the Planning Commission's recommended conditions.

In 2018, Al Neyer proposed a Major Modification to the site plan to allow construction of a 46,000-square-foot office building. The Planning Commission adopted a Resolution recommending approval of the modification on September 5, 2018, and City Council approved the request on October 8, 2018. Thereafter, a Joint Motion was filed by Barbara Gigante, Successor Trustee of the Charles J. Lofino Grandchildren's Trust, and the City, stating that a change in circumstances warranted modification of the 2000 Agreed Order Upon Settlement. **An Agreed Order Modifying the Terms of the 2000 Agreed Order Upon Settlement was filed in federal court on November 8, 2018.**

ANALYSIS

The purpose of this request is to satisfy Condition #14 of the 2018 Order, which states: "The parties agree to take any and all reasonable actions and to execute all necessary documents to effectuate the terms of this Agreement." The 2018 Order acknowledged the City has fully complied with and satisfied its obligations under paragraphs one (1), three (3), and four (4) of the May 17, 2000 Agreed Order Upon Settlement. Paragraph two (2) of the 2000 Order was vacated in its entirety, except as it pertains to outlot development, which remains regulated by Ordinance No. 00-27 and the associated PUD 97-1 site plans. The modified Order further establishes that future development within the PUD shall generally conform to the approved 2018 Major Modification plan and applicable specific site plans, with final review and approval of access, setbacks, building design, architectural materials, landscaping, and other development standards occurring at the Specific Site Plan stage. This amendment is administrative in nature and is intended to align the City's zoning records and PUD text with the controlling federal court order, ensuring consistency, clarity, and enforceability moving forward.

RECOMMENDATION

Based on the analysis, staff are recommending approval of the applicant's request, subject to the conditions in the attached Resolution.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
January 7, 2026

Re: PUD 97-1 Amend 1/26

WHEREAS, HiFive Development Services, 202 W. Main Street, Mason, OH, 45040, requests approval to amend PUD 97-1 to incorporate multiple court-approved changes to the judicially approved PUD. The property located north of Kemp Road, approximately 500 feet east of the intersection of Kemp Road and North Fairfield Road, further described as Book 4, Page 6, Parcel 123 on the Greene County Property Tax Atlas.

WHEREAS, public hearing was held on January 7, 2026 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this PUD amendment application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for PUD rezoning approval as per §158.065; and

NOW, THEREFORE BE IT RESOLVED THAT, that the Beavercreek Planning Commission recommends to the Beavercreek City Council:

1. All other conditions of PUD 97-1 and subsequent applicable modifications and amendments shall remain in full force and effect, except as modified herein.
2. All conditions set forth in Case No. 3:98-cv-250 under the 2018 Order shall be incorporated into PUD 97-1.

ADOPTED: January 7, 2026

VOTING FOR ADOPTION:

ABSENT:

Attest

Chairman

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL D. LOFINO, TRUSTEE,	:	CASE NO. 3:98-cv-250
	:	
PLAINTIFF,	:	
	:	Magistrate Judge Michael R. Merz
VS.	:	
	:	
CITY OF BEAVERCREEK, OHIO	:	AGREED ORDER MODIFYING
	:	TERMS OF AGREED ORDER UPON
DEFENDANT.	:	SETTLEMENT

The parties to this action, Barbara Gigante, as Successor Trustee of the Charles J. Lofino Grandchildren's Trust (the "Plaintiff") and the City of Beavercreek, Ohio (the "Defendant") having by Joint Motion (ECF No. 54) requested an amendment and modification of the Agreed Order upon Settlement filed with this Court on May 17, 2000 (Doc. No. 53), and this Court having hereby found for the reasons set forth in the Joint Motion to Amend and Modify the Agreed Order upon Settlement filed May 17, 2000, that there exist reasons for which this Court's earlier order of settlement should now be amended and modified.

The parties have unanimously consented to plenary Magistrate Judge jurisdiction under 28 U.S.C. § 636(c) and District Judge Marbley has referred the case on that basis (ECF No. 13). In the Conditional Dismissal Order (ECF No. 52), the Court retained jurisdiction to enforce or modify the Agreed Order Upon Settlement.

The parties agree, and it is therefore ordered, as follows:

1. Defendant has fully complied with and satisfied its obligations under paragraphs one (1), three (3) and four (4) of the Agreed Order upon Settlement filed May 17, 2000.
2. Paragraph two (2) of the Agreed Order upon Settlement filed May 17, 2000, is hereby vacated in its entirety except as Paragraph two (2) pertains to the outlot development. More specifically Paragraph two (2) sections (f), (k), and (m). The outlot development shall continue to be regulated by the conditions in Ordinance 00-27 associated with PUD 97-1 and PUD 97-1 Specific Site Plan #1.
3. This development shall generally conform to the PUD 97-1 Major Modification 08-18 plan dated "Received August 15, 2018," and the PUD 97-1 Specific Site Plan #2 plans dated "Received October 14, 2008" except as modified by the City of Beavercreek.
4. The minimum building setbacks will be established at the Specific Site Plan stage but shall generally conform to the setbacks indicated on the approved concept plan.
5. Points of access shown on the concept plan and any necessary cross-access easements are subject to City of Beavercreek final review and approval at Specific Site Plan stage.
6. Building plans, designs, and elevations shall be subject to final review and approval by the Beavercreek Planning Commission and Beavercreek City Council at the Specific Site Plan stage.
7. The majority of the exterior construction materials must consist of wood, stone, hardy plank, and/or brick or other similar composite or natural minerals acceptable to the Beavercreek Planning Commission and Beavercreek City Council at the

Specific Site Plan stage for all buildings within this PUD, including the future outparcel. Exterior colors shall be a mixture of earth tones and subdued colors such as browns, tans, dusty greens, warm grays, and rusty reds. White may only be used as an accent color and shall not be used as the primary color of any structure.

8. All architectural materials and treatments shall be incorporated on all four sides of any and all buildings within the development and shall be subject to approval at the Specific Site Plan stage.
9. The maximum height of the buildings within this PUD, excluding the decorative architectural features, shall be 40 feet.
10. The landscape mound along Kemp Road shall be reviewed at the Specific Site Plan stage and is not part of this approval. Should the mound be considered as part of the Specific Site Plan, it shall not exceed 6 feet in height.
11. The existing 15-foot earthen mound along the eastern edge of the property shall remain in place in perpetuity.
12. The 6.572 acre tract of land conveyed to the City of Beavercreek shall not be considered as part of this or any future application when considering green space compliance requirements.
13. The property owners within this development, through a Reciprocal Easement Agreement (REA), will be responsible for the upkeep and maintenance of the detention pond on the City of Beavercreek's parkland, as it serves the sole purpose of stormwater detention for the adjacent private development.
14. The parties agree to take any and all reasonable action and to execute all necessary documents to effectuate the terms of this Agreement.

15. All provisions of the Agreed Order upon Settlement not specifically modified or referenced herein shall remain in full force and effect.
16. The parties hereto shall abide by the terms of this Agreed Order Modifying Terms of Agreed Order upon Settlement.
17. Each party shall be responsible for its/his own attorney fees and expenses incurred herein. Any court costs due in connection with the filing of this Agreed Order Modifying Terms of Agreed Order upon Settlement shall be paid by Defendant upon filing.

IT IS SO ORDERED.

November 8, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge

Stipulated and agreed to this 6th day of November, 2018.

Agreed to by:

PICKREL, SCHAEFFER & EBELING
CO., L.P.A.

/s/ *Jon M. Rosemeyer*

Jon M. Rosemeyer (0018797)
40 N. Main Street, Suite 2700
Dayton, Ohio 45423
Tel: 937/223-1130 Fax: 937/223-0339
E-Mail: jrosemeyer@pselaw.com

*Counsel for Plaintiff Barbara Gigante,
Successor Trustee of the Charles J. Lofino
Grandchildren's Trust*

00980446.docx

COOLIDGE WALL CO., L.P.A.

/s/ *Stephen M. McHugh*

Stephen M. McHugh (0018788)
Amelia N. Blankenship (0082254)
33 West First Street, Suite 600
Dayton, Ohio 45402
Tel: 937/223-8177 Fax: 937/223-6705
E-Mail: mchugh@coollaw.com

*Counsel for Defendant
City of Beavercreek, Ohio*

July 10, 2000

ORDINANCE NO. 00-27
CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER Stone ON THE
10 TH DAY OF July, 2000.

AN ORDINANCE AMENDING ORDINANCE NO. 80-19, THE ZONING MAP, IMPLEMENTING THE FEDERAL COURT ORDER OF THE JUDGMENT ENTRY FOR CASE NO. C-3-98-250, BY REZONING APPROXIMATELY 25.986 ACRES SITUATED AT THE NORTHEAST CORNER OF NORTH FAIRFIELD ROAD AND KEMP ROAD FURTHER DESCRIBED AS BOOK 4, PAGE 6, PARCELS (PART) 57, 58 AND 59 ON THE PROPERTY TAX MAPS OF GREENE COUNTY FROM A-1, B-2 AND B-3 TO COMMERCIAL PLANNED UNIT DEVELOPMENT (C-PUD) AND TO DECLARE AN EMERGENCY.

Whereas, Michael D. Lofino, Trustee, has requested the rezoning; and

Whereas, the City Council, on behalf of the City of Beavercreek, entered into an Agreed Order Upon Settlement, Case No. C-3-98-250, Michael D. Lofino, Trustee vs The City of Beavercreek, Ohio; and

Whereas, one of the terms of this Settlement was the rezoning of this land;

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That the zoning map attached to Ordinance 80-19 passed on the 18th day of February, 1980, as subsequently amended, is hereby further amended to change approximately 25.986 acres located at the northeast corner of North Fairfield Road and Kemp Road, from A-1, B-2 and B-3 to C-PUD Commercial Planned Unit Development and further described in Exhibit "A" attached hereto and incorporated herein.

SECTION II.

The concept plan for the Commercial PUD zoning dated "Received July 7, 2000" shall be the approved concept plan for this development, except as modified by the following conditions.

SECTION III

The following conditions and requirements shall apply:

1. The total square footage of buildings and structures allowed to be constructed in the development shall not exceed 185,000 square feet.
2. The maximum square footage of the anchor store of any shopping center building shall not exceed 65,000 square feet. The anchor store of any shopping center building shall be constructed on the northernmost portion of the Property and shall be the building abutting Lakeview Drive.
3. Each individual tenant space, whether or not connected to the anchor store, shall contain less square footage than the anchor store. The average square footage of all buildings and/or tenant spaces, excluding the anchor store, shall not exceed 25,000 square feet.
4. Setbacks of structures shall be as shown on the concept plan, except that the setback of buildings from the eastern lot line shall be at least 175 feet and a permanent open space of 145 feet in width shall be provided along the entire eastern edge of the property line.
5. A permanent landscape earthen mound as described herein shall be built by the Developer at Developer's sole expense along the entire eastern edge of

the property within the required open space area described in condition (4) above. It shall also extend at its southern end westward parallel to Kemp Road a distance of at least 330 feet from the C-PUD eastern boundary. The landscape mound shall be at least 15 feet in height constructed at a maximum 3:1 slope ratio. A 10-foot high wooden privacy style fence supplemented by a 5-foot high chain link fence shall be placed on top of the mound, and the mound shall be landscaped with appropriate trees in sufficient number and placement so as to result in a screening effect from the neighboring residential properties.

6. The total square footage of all outlot structures shall not exceed 30,000 square feet. No structure on any individual outlot shall exceed 14,500 square feet.
7. The minimum open space contained within each outlot in the C-PUD district shall be twenty-five percent (25%) of the total area of the outlot.
8. All parking lots shall comply with the City of Beavercreek's parking landscape requirements and set aside not less than four percent (4%) green space within the parking lot.
9. The truck loading dock for the anchor store shall be positioned at the northeast corner "notched" into the store building with the loading docks facing north and a wall of the same height and material as the east wall of the building designed to project sound upwards from the loading dock area and away from the adjacent neighborhood extended a sufficient depth to conceal from view from the east trucks parked at the loading docks. Trash and recycling containers for the anchor store will be directly accessible from inside the building and may be located outside of the building along the east wall.
10. Approved access points to the property shall be from future Lakeview Drive as shown on the concept plan. Approval of the additional accesses from North Fairfield Road and Kemp Road shall be subject to final review and consideration for approval at the specific site plan stage of development.
11. Uses permitted in this C-PUD district shall be those permitted and conditional uses allowed in B-1, B-2 and O-1 districts, provided however, that conditional uses shall be subject to the approval process set forth in City of Beavercreek's zoning code.
12. Maximum height of the one tenant space or building allowed to have a floor area of up to 65,000 square feet (the anchor store) shall not exceed 33 feet including parapet walls. No building or structure (other than the anchor store) shall exceed the maximum height limitation of 27 feet. The collective average height of all buildings and structures on the C-PUD parcel (other than the anchor store) shall not exceed 25 feet, and such average shall be computed by multiplying the square footage of each building or structure by its height. Ceiling and roof heights of all structures shall be designed so that the height of any mechanical equipment, HVAC units, and antennae will not exceed the permitted height of the structures and will be completely screened by building walls and parapets.
13. No external speakers or sound equipment may be located outside any structure, provided, however, that two-way speakers may be installed in connection with bank, pharmacy and similar drive-thru operations.
14. Minimum open space for the C-PUD district, excluding the outlots, shall be twenty-five percent (25%), however, parking spaces shall be restricted to the minimum number of spaces required by Ordinance.

SECTION IV

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

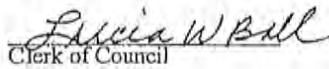
SECTION V

This ordinance is hereby declared to be an emergency measure and as such shall take effect immediately on the basis that it is implementing the federal court order of the judgment entry for Case No. C-3-98-250.

PASSED this 10th day of July, 2000.


Mayor

ATTEST:


Clerk of Council

SUMMARY

This Ordinance adopts the federal court order of the judgment entry for Case No. C-3-98-250 to rezone approximately 25.986 acres of land located at the northeast corner of North Fairfield Road and Kemp Road from A-1, B-2 and B-3 districts to C-PUD Commercial Planned Unit Development.

This is an emergency ordinance and will become effective immediately upon passage.

7/7/00
C:\...\pc00\pud-97-1.ord2000

CITY OF BEAVERCREEK
RESOLUTION NO. 00-16

SPONSORED BY COUNCIL MEMBER Tiehn
ON THE 8th TH DAY OF May, 2000.

A RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AN AGREED ORDER UPON SETTLEMENT
OF LITIGATION IN THE MATTER OF MICHAEL D. LOFINO,
TRUSTEE

WHEREAS, Michael D. Lofino, Trustee, filed a declaratory judgment and injunction action against the City of Beavercreek regarding rezoning of property located at the northeast corner of North Fairfield Road and Kemp Road; and

WHEREAS, representatives of the Lofino Trust, the City and neighboring property owners met to conduct a mediation of the dispute before retired Judge Jack Meagher; and

WHEREAS, as a result of this mediation process, a recommended agreement was reached between parties to settle the legal dispute; and

WHEREAS, the terms of this agreement are set forth in the accompanying Agreed Order Upon Settlement identified as Exhibit A and attached hereto.

THEREFORE, BE IT RESOLVED THAT:

SECTION I.

The City Council of the City of Beavercreek does hereby approve and accept this AGREED ORDER as settlement of the legal proceedings.

SECTION II.

The City Attorney is hereby authorized to execute this AGREED ORDER on behalf of the City and take or cause to be taken all other action necessary and proper to affect this AGREED ORDER.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to section 121.22 of the Ohio Revised Code.

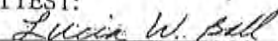
SECTION IV.

This Resolution shall become effective immediately upon its passage.

ADOPTED by the Council of the City of Beavercreek, Ohio this
8th day of May, 2000.


Mayor

ATTEST:


Clerk of Council

5/8/00
Version

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL D. LOFINO, TRUSTEE : CASE NO. C-3-98-250
Plaintiff, : (Judge Algenon L. Marbley)
-VS- : (Magistrate Judge Merz)
THE CITY OF BEAVERCREEK, OH : AGREED ORDER UPON
Defendant. : SETTLEMENT

Plaintiff herein Michael D. Lofino, as Trustee of the Charles J. Lofino Grandchildren's Trust (the "Plaintiff") has filed a declaratory judgment and injunction action herein seeking relief in regard to Plaintiff's efforts to rezone certain property located at the northeast corner of North Fairfield Road and Kemp Road in the City of Beavercreek, Ohio (the "Property").

The City of Beavercreek, Ohio (the "Defendant") filed a motion for summary judgment, which was sustained in part and denied in part.

The Plaintiff and Defendant in an effort to seek a resolution to the zoning dispute which gave rise to this litigation, agreed to mediation which included representatives of the adjacent Neighborhood. The representatives of the Neighborhood and the parties engaged in extensive and lengthy mediation on Friday, April 28, 2000. The mediation was held before Judge Meagher, who assisted the parties in the mediation process. Through the concerted efforts of all individuals at the mediation, the Plaintiff and Defendant reached an agreement that the parties agree to enter into. The parties submit to this Court an agreed upon Order settling all disputes between them arising out of the property which is the subject of this lawsuit. The parties desire the Court to adopt said agreement as the Order of the Court, and further order the parties to carry out the respective covenants and agreements as follows:

1. Defendant, the City of Beavercreek, shall by administrative or other appropriate action cause the zoning map attached to Ordinance 80-19, passed on the 18th day of February 1980, as subsequently amended, to be further amended to change



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ONE SOUTH MAIN STREET
DAYTON, OHIO 45401-2016

the 25.986+/- acres located at the northeast corner of North Fairfield Road and Kemp Road, from A-1, B-2 and B-3 to C-PUD, Commercial Planned Unit Development, and further described in Exhibit "A" attached hereto and incorporated by reference herein. The Defendant shall finalize said zoning change no later than thirty (30) days after the filing of this Agreed Order Upon Settlement.

2. Defendant, the City of Beavercreek, shall by administrative or other appropriate action approve, not later than thirty (30) days after the filing of this Agreed Order Upon Settlement, a new concept plan for the commercial PUD zoning, which shall be the concept plan for the development of the 25.986+/- acres which concept plan shall comply with the following conditions and requirements:

- (a) The total square footage of the buildings and structures allowed to be constructed in the development shall not exceed 185,000 square feet.
- (b) The maximum square footage of the anchor store of any shopping center building shall not exceed 65,000 square feet. The anchor store of any shopping center building shall be constructed on the northernmost portion of the Property and shall be the building abutting Lakeview Drive.
- (c) Each individual tenant space, whether or not connected to the anchor store, shall contain less square footage than the anchor store. The average square footage of all buildings and/or tenant spaces, excluding the anchor store, shall not exceed 25,000 square feet.
- (d) Setbacks of structures shall be shown on the concept plan, except that the setback of buildings from the eastern lot line shall be at least 175 feet and a permanent open space of 145 feet in width shall be provided along the entire eastern edge of the property line.
- (e) A permanent landscape earthen mound as described herein shall be built by the Plaintiff at Plaintiff's sole expense along the entire eastern edge of the property within the required open space area described in condition (d) above. It shall also extend at its southern end westward parallel to Kemp Road a distance of at least 330 feet from the C-PUD eastern boundary. The landscape mound shall be at least 15 feet in height constructed at a maximum 3:1 slope ratio. A 10-foot high wooden privacy style fence supplemented by a 5-foot high chain link fence shall be placed on top of the mound, and the mound shall be landscaped with appropriate trees in sufficient number and placement so as to result in a screening effect from the neighboring residential properties.



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ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2016

(f) The total square footage of all out-lot structures shall not exceed 30,000 square feet. No structure on any individual out-lot shall exceed 14,500 square feet.

(g) The minimum open space contained within each out-lot in the C-PUD district shall be twenty-five percent (25%) of the total area of the out-lot.

(h) All parking lots shall comply with the Defendant's parking landscape requirements and set aside not less than four percent (4%) green space within the parking lot.

(i) The truck loading dock for the anchor store shall be positioned at the northeast corner "notched" into the store building with the loading docks facing north and a wall of the same height and material as the east wall of the building designed to project sound upwards from the loading dock area and away from the adjacent neighborhood extended a sufficient depth to conceal from view from the east trucks parked at the loading docks. Trash and recycling containers for the anchor store will be directly accessible from inside the building and may be located outside of the building along the east wall.

(j) Approved access points to the property shall be from future Lakeview Drive as shown on the concept plan. Approval of additional accesses from North Fairfield Road and Kemp Road shall be subject to final review and consideration for approval at the specific site plan stage of development.

(k) Uses permitted in this C-PUD district shall be those permitted and conditional uses allowed in B-1, B-2 and O-1 districts, provided however, that conditional uses shall be subject to the approval process set forth in Defendant's zoning code.

(l) Maximum height of the one tenant space or building allowed to have a floor area of up to 65,000 square feet (the anchor store) shall not exceed 33 feet including parapet walls. No building or structure (other than the anchor store) shall exceed the maximum height limitation of 27 feet. The collective average height of all buildings and structures on the C-PUD parcel (other than the anchor store) shall not exceed 25 feet, and such average shall be computed by multiplying the square footage of each building or structure by its height. Ceiling and roof heights of all structures shall be designed so that the height of any mechanical equipment, HVAC units, and antennae will not exceed the



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DAYTON, OHIO 45422-2014

permitted height of the structures and will be completely screened by building walls and parapets.

(m) No external speakers or sound equipment may be located outside any structure, provided however, that two-way speakers may be installed in connection with bank, pharmacy and similar drive-thru operations.

(n) Minimum open space for the C-PUD district, excluding the out-lots, shall be twenty-five percent (25%), however, parking spaces shall be restricted to the minimum number of spaces required by Ordinance.

3. Plaintiff shall convey to Defendant the 6.572 acre R-PUD parcel further described as parcels (part) 56, and (part) 57 on the property tax maps of Greene County, Ohio, subject to a retained easement in favor of Plaintiff for access, maintenance and detention use on the southern portion of the R-PUD parcel. Said conveyance deed shall contain a restrictive covenant, running with said property, that said property shall not be used for residential, business and/or commercial purposes and shall be treated by both parties as an "qualified conservation contribution" within the meaning of Section 170(F)(3)(B)(iii) of the Internal Revenue Code. Said conveyance shall be completed no later than thirty (30) days after the filing of this Agreed Order Upon Settlement. The Defendant agrees the Plaintiff may use the southern portion of the R-PUD parcel to comply with Defendant's detention requirements on Plaintiff's C-PUD parcel, but Plaintiff may not use the R-PUD parcel for green space compliance requirements.

4. The Defendant shall undertake extensive planting of trees and other vegetation on the parcel deeded to Defendant. The purpose of the plantings is to minimize sound, sight and smell from the Plaintiff's development for the property owners to the east. The minimum height of the trees shall be six (6) feet. The trees and other plantings will be planted in conjunction with the development of the C-PUD development and the planting season.

5. By execution of this Agreement and acceptance by this Court, the parties signify that it is their desire that all causes of action whether brought in this Court or in any other court, shall be deemed dismissed with prejudice, and this Order shall be a full and final release of all parties to this action or any action that could have been filed.

6. The parties agree to take all reasonable action and execute all necessary documents to effectuate the terms and intent of this Agreement.



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DAYTON, OHIO 45402-2014

The parties herein are ORDERED to abide by the terms of this Agreed Order Upon Settlement and shall be responsible for their respective costs related to this action.

IT IS SO ORDERED.

Magistrate Judge Michael R. Merz

Stipulated and Agreed To
This _____ day of _____, 2000.

Michael D. Lofino, Trustee

Roger J. Makley (#0018702)
Trial Attorney
33 West First Street, Suite 600
Dayton, OH 45402
(937) 223-8177
Attorney for Plaintiff, Michael D. Lofino, Trustee

OF COUNSEL
Merle F. Wilberding (#0018695)
David W. Reid (#0064261)
Coolidge, Wall, Womsley &
Lombard Co., L.P.A.
33 West First Street, Suite 600
Dayton, OH 45402
(937) 223-8177



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ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2016

City of Beavercreek
Resolution No. _____, passed
_____, 2000

Stephen M. McHugh (#0018788)
Trial Attorney
1700 One Dayton Centre
One South Main Street
Dayton, OH 45402
(937) 223-1201

ATTORNEYS FOR DEFENDANT,
CITY OF BEAVERCREEK, OHIO

OF COUNSEL
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Altick & Corwin Co., L.P.A.
1700 One Dayton Centre
One South Main Street
Dayton, OH 45402
(937) 223-1201

ATTORNEYS FOR DEFENDANT,
CITY OF BEAVERCREEK, OHIO



1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2016

**CITY OF BEAVERCREEK PLANNING
COMMISSION AGENDA ITEM
REPORT**

Meeting Date : January 7, 2026	Reference Topic: PUD 97-1 MOD 1-26 (MAJOR) Hampton Inn/Homewood Suites

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

OVERVIEW:

The applicant has requested modification of the specific site plan, to allow for the construction of a 3-story, 160 room hotel on 5.068 acres. The proposed hotel will be located just north of Kemp Road approximately 500 feet east of the intersection of Kemp Road and north Fairfield Road.

STAFF RECOMMENDATION:

Staff is recommending approval of this request subject to the conditions as outlined in the attached Resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

Planning Commission may choose to recommend approval, approval with conditions, disapproval, or tabling of this application.

Carville

CITY OF BEAVERCREEK

STAFF REPORT



December 31, 2025

PROJECT: Hampton Inn/Homewood Suites

CASE NUMBER: PUD 97-1

APPLICANT: HiFive Development Services
202 West Main Street
Mason OH, 45040

REQUEST

The applicant has requested modification of the specific site plan, to allow for the construction of a 3-story, 160 room hotel on 5.068 acres. The proposed hotel will be located just north of Kemp Road approximately 500 feet east of the intersection of Kemp Road and north Fairfield Road.

EXISTING CONDITIONS

Site

The subject property, located within PUD 97-1, is a vacant 5.068-acre parcel that abuts the El Cid subdivision to the east and Kemp Road along its southern boundary. The site is currently undeveloped; however, under the proposed development, impervious surfaces will total approximately 2.53 acres, leaving 2.54 acres as pervious area. For Commercial PUDs, the maximum permitted building coverage is 35 percent, and the maximum combined coverage of buildings and impervious surfaces is 75 percent. The proposed building coverage for this parcel is approximately 17 percent. Additionally, when accounting for the remaining undeveloped outlots within PUD 97-1, the overall impervious coverage for the PUD remains well below the 75 percent maximum.

Zoning

The PUD zoning was approved for this property in June of 1997 by City Council but was the subject of a referendum petition filed by the citizens of Beavercreek, where the voters overturned the decision by a majority vote. A lawsuit was filed by the applicant against the City of Beavercreek and a settlement was agreed upon by the plaintiff and the City of Beavercreek through mediation involving the El Cid neighborhood, the City, the applicant, and the presiding judge. A resolution approving and authorizing execution of an agreed order upon settlement of litigation in the matter of Michael D. Lofino, Trustee was approved by City Council on May 8, 2000. On July 10, 2000, the City Council adopted Ordinance 00-27 incorporating the conditions of the settlement as the approved zoning conditions for this PUD.

Those PUD conditions established maximum square footage requirements, required setbacks, mandatory screening, open space and landscaping requirements, and maximum building heights and building locations. A 2018 Court Order further clarified those conditions. The approved permitted uses within this PUD are those permitted and conditional uses allowed in B-1, B-2 and O-1. A hotel is a permitted use within an O-1 zoning district.

Direction	Zoning	Land Use
North	C-PUD 97-1	Premier Health
South	B-2/R1A	Freddy's/Single-Family Homes
East	R-PUD 97-2	Vacant land owned by City
West	C-PUD 97-1	Various Retail

ANALYSIS

Access

The applicant proposes two access points from the private drive north of Kemp Road. The northernmost access point will align with an existing private drive that provides direct access to the Fairfield Place Shopping Center, which includes Milano's, Crumbl, and other businesses. This private drive is already equipped with both left and right-turn lanes connecting to Kemp Road to the south, and it also provides multiple connections to N. Fairfield Road to the west for patrons traveling north. In addition, a sidewalk will be installed at the southwestern corner of the hotel to connect with the existing sidewalk along Kemp Road.

Building Design

Again, the applicant is proposing a 3-story, 160-room hotel. The building will be 37 feet and 6 inches tall, which is under the 40 foot limit outlined in the 2018 Order. The proposed building elevations show a modern, multi-story building. The exterior uses a mix of brick in several colors, fiber-cement panels, and wood-look siding to add variety and break up the building's size. Cast stone accents and trim

are used to highlight different sections of the building and provide a solid base at ground level. Windows are framed in aluminum, giving the building a consistent appearance. Large windows, entry canopies, and recessed entrances help define main entry points and add depth to the front façade. Overall, the design uses durable materials and simple architectural features to create a contemporary look that fits well with commercial development standards.

Parking

Hotels should provide one parking space for every guest room, one parking space for every 20 guest rooms (to accommodate for staff) plus one space per 250 square feet of public meeting area and/or restaurant space. Based on information provided by the applicant, 168 off- street parking spaces are required. The proposed 5.068-acre area associated with the site plan includes 168 off-street spaces, six of which are designated as handicap accessible. Staff sees no concerns with the parking as proposed.

Screening, Landscaping and Open Space

A preliminary landscape plan has been submitted that includes a mix of canopy trees, ornamental trees, and shrubs. The plan provides adequate screening around the dumpster enclosure near the southeastern portion of the lot. In addition, a row of evergreen trees will be planted atop the existing 15-foot berm, which will remain intact, to enhance screening. Staff has added a condition requiring the final, detailed landscape plan to be reviewed and approved by the Planning Department prior to issuance of a zoning permit. The plan also shows extensive use of mulch beds.

Lighting

The applicant is proposing 14-foot light poles on two-foot bases throughout the site and full cut off wall packs on the building. The mound to east of the property as well as additional landscaping will prevent any light pollution from permeating the existing residential neighborhood. All future lights at any of the adjacent developments within this PUD will be required to match the height and style of these lights.

Signage

Signage shall be limited to 350 square feet total, with no signage permitted on the eastern elevation. The ground sign shall be no taller than 6 feet and no larger than 30 square feet per side with a brick wrap that matches the materials of the building.

RECOMMENDATION

Based on this analysis, staff recommends approval of this request subject to the conditions outlined in the attached resolution.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
January 7, 2026

RE: PUD 97-1 MOD 1-26
Hampton Inn/Homewood Suites

WHEREAS, HiFive Design Group, Inc. 202 West Main Street, Mason OH 45040, agent for the property owner, has filed an application requesting major modification for 5.068 acres of land for the construction of a 160-room, 3-story hotel located on north side of Kemp Road approximately 500 feet east of the intersection of Kemp Road and North Fairfield Road, further described as Book 4, Page 6, Parcel 123 on the tax maps of Greene County, Ohio; and

WHEREAS, public hearing was held on January 7, 2026 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this PUD Major Modification application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for PUD Major Modification approval as per §158.070 of the Zoning Code; and

WHEREAS, the Beavercreek Planning Commission is taking administrative action in recommending approval of this PUD Major Modification.

NOW, THEREFORE BE IT RESOLVED,

SECTION I

The Beavercreek Planning Commission recommends to Beavercreek City Council approval of this Major Modification to the Specific Site Plan for the construction of a 94,502 square foot hotel, with the following conditions and requirements.

SECTION II

1. All conditions and Court Orders contained within PUD 97-1 and all subsequent modifications to PUD 97-1 are incorporated herein by reference to the extent they are not specifically amended or altered by any plans and conditions with this Major Modification.

2. The approved site plan, architectural elevations, and landscape plan for this development shall be the plans stamped "Received December 22, 2025", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning and Development Department prior to the execution of the required PUD Agreement and the release of any zoning permit for this project
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. Any portion of the site disturbed by grading, and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover free of noxious weeds and construction debris and shall be properly maintained.
6. A PUD agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any future dumpster enclosure shall be constructed of materials consistent with the principle building. The final design of the enclosure shall be reviewed and approved by the Planning and Development Department prior to the issuance of any zoning permits.
8. A maximum of one ground sign shall be permitted that can be up to 6 feet tall with 40 square feet per sign face. The design of the ground sign shall include a masonry base and sides that shall be constructed of similar material to those on the proposed building.
9. Wall signage shall be limited to 350 square feet per elevation. Sign height shall be no taller than 7 feet. No signage shall be permitted on the east elevation.

10. Wall signs shall be individually mounted channel letters. The use of raceways or painting of letters on the wall shall be prohibited.
11. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. No pole mounted fixtures shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
12. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning and Development Department or, if required, by the City Council and/or Planning Commission.
13. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning and Development Department shall be addressed prior to the issuance of a permit for the project.
15. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
16. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project. The City reserves the right to require more frequent collection as necessary.
17. Downspouts shall be internally mounted and shall not be visible on the exterior of the building.
18. Temporary signs shall not be permitted within this development with the exception of a construction sign that will be allowed during construction of the project.
19. A final landscape plan including 8-foot tall evergreens on the top of the mound shall be reviewed and approved by the Planning Department prior to the execution of the required

PUD Agreement and the release of a zoning permit for the building. The landscape plan for the mound shall be reviewed and approved by the Planning Department prior to the release of a zoning permit. The applicant shall be responsible for their portion of the mound but the adjacent owner shall implement the same design as approved for the applicant's portion of the mound within 6-weeks of completion of the work by the applicant.

20. Impact fees shall be paid prior to the release of the commercial/industrial zoning permit.
21. Within the confines of the proposed property, the mound shall be adequately maintained, free of noxious weeds and tall grass, in perpetuity.
22. An additional sidewalk along the western boundary of the property, adjacent to the private drive, may be required at the discretion of the Planning Director.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED:

VOTING FOR ADOPTION:

VOTING AGAINST:

Chairman

Attest:

July 10, 2000

ORDINANCE NO. 00-27
CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER Stone ON THE
10 TH DAY OF July, 2000.

AN ORDINANCE AMENDING ORDINANCE NO. 80-19, THE ZONING MAP, IMPLEMENTING THE FEDERAL COURT ORDER OF THE JUDGMENT ENTRY FOR CASE NO. C-3-98-250, BY REZONING APPROXIMATELY 25.986 ACRES SITUATED AT THE NORTHEAST CORNER OF NORTH FAIRFIELD ROAD AND KEMP ROAD FURTHER DESCRIBED AS BOOK 4, PAGE 6, PARCELS (PART) 57, 58 AND 59 ON THE PROPERTY TAX MAPS OF GREENE COUNTY FROM A-1, B-2 AND B-3 TO COMMERCIAL PLANNED UNIT DEVELOPMENT (C-PUD) AND TO DECLARE AN EMERGENCY.

Whereas, Michael D. Lofino, Trustee, has requested the rezoning; and

Whereas, the City Council, on behalf of the City of Beavercreek, entered into an Agreed Order Upon Settlement, Case No. C-3-98-250, Michael D. Lofino, Trustee vs The City of Beavercreek, Ohio; and

Whereas, one of the terms of this Settlement was the rezoning of this land;

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the zoning map attached to Ordinance 80-19 passed on the 18th day of February, 1980, as subsequently amended, is hereby further amended to change approximately 25.986 acres located at the northeast corner of North Fairfield Road and Kemp Road, from A-1, B-2 and B-3 to C-PUD Commercial Planned Unit Development and further described in Exhibit "A" attached hereto and incorporated herein.

SECTION II

The concept plan for the Commercial PUD zoning dated "Received July 7, 2000" shall be the approved concept plan for this development, except as modified by the following conditions.

SECTION III

The following conditions and requirements shall apply:

1. The total square footage of buildings and structures allowed to be constructed in the development shall not exceed 185,000 square feet.
2. The maximum square footage of the anchor store of any shopping center building shall not exceed 65,000 square feet. The anchor store of any shopping center building shall be constructed on the northernmost portion of the Property and shall be the building abutting Lakeview Drive.
3. Each individual tenant space, whether or not connected to the anchor store, shall contain less square footage than the anchor store. The average square footage of all buildings and/or tenant spaces, excluding the anchor store, shall not exceed 25,000 square feet.
4. Setbacks of structures shall be as shown on the concept plan, except that the setback of buildings from the eastern lot line shall be at least 175 feet and a permanent open space of 145 feet in width shall be provided along the entire eastern edge of the property line.
5. A permanent landscape earthen mound as described herein shall be built by the Developer at Developer's sole expense along the entire eastern edge of

the property within the required open space area described in condition (4) above. It shall also extend at its southern end westward parallel to Kemp Road a distance of at least 330 feet from the C-PUD eastern boundary. The landscape mound shall be at least 15 feet in height constructed at a maximum 3:1 slope ratio. A 10-foot high wooden privacy style fence supplemented by a 5-foot high chain link fence shall be placed on top of the mound, and the mound shall be landscaped with appropriate trees in sufficient number and placement so as to result in a screening effect from the neighboring residential properties.

6. The total square footage of all outlot structures shall not exceed 30,000 square feet. No structure on any individual outlot shall exceed 14,500 square feet.
7. The minimum open space contained within each outlot in the C-PUD district shall be twenty-five percent (25%) of the total area of the outlot.
8. All parking lots shall comply with the City of Beavercreek's parking landscape requirements and set aside not less than four percent (4%) green space within the parking lot.
9. The truck loading dock for the anchor store shall be positioned at the northeast corner "notched" into the store building with the loading docks facing north and a wall of the same height and material as the east wall of the building designed to project sound upwards from the loading dock area and away from the adjacent neighborhood extended a sufficient depth to conceal from view from the east trucks parked at the loading docks. Trash and recycling containers for the anchor store will be directly accessible from inside the building and may be located outside of the building along the east wall.
10. Approved access points to the property shall be from future Lakeview Drive as shown on the concept plan. Approval of the additional accesses from North Fairfield Road and Kemp Road shall be subject to final review and consideration for approval at the specific site plan stage of development.
11. Uses permitted in this C-PUD district shall be those permitted and conditional uses allowed in B-1, B-2 and O-1 districts, provided however, that conditional uses shall be subject to the approval process set forth in City of Beavercreek's zoning code.
12. Maximum height of the one tenant space or building allowed to have a floor area of up to 65,000 square feet (the anchor store) shall not exceed 33 feet including parapet walls. No building or structure (other than the anchor store) shall exceed the maximum height limitation of 27 feet. The collective average height of all buildings and structures on the C-PUD parcel (other than the anchor store) shall not exceed 25 feet, and such average shall be computed by multiplying the square footage of each building or structure by its height. Ceiling and roof heights of all structures shall be designed so that the height of any mechanical equipment, HVAC units, and antennae will not exceed the permitted height of the structures and will be completely screened by building walls and parapets.
13. No external speakers or sound equipment may be located outside any structure, provided however, that two-way speakers may be installed in connection with bank, pharmacy and similar drive-thru operations.
14. Minimum open space for the C-PUD district, excluding the outlots, shall be twenty-five percent (25%), however, parking spaces shall be restricted to the minimum number of spaces required by Ordinance.

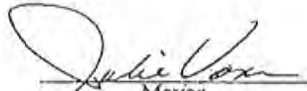
SECTION IV

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

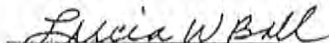
SECTION V

This ordinance is hereby declared to be an emergency measure and as such shall take effect immediately on the basis that it is implementing the federal court order of the judgment entry for Case No. C-3-98-250.

PASSED this 10th day of July, 2000.


Mayor

ATTEST:


Clerk of Council

SUMMARY

This Ordinance adopts the federal court order of the judgment entry for Case No. C-3-98-250 to rezone approximately 25.986 acres of land located at the northeast corner of North Fairfield Road and Kemp Road from A-1, B-2 and B-3 districts to C-PUD Commercial Planned Unit Development.

This is an emergency ordinance and will become effective immediately upon passage.

7/7/00
C:\...\\pc00\pud-97-1.ord2000

CITY OF BEAVERCREEK
RESOLUTION NO. 00-16

SPONSORED BY COUNCIL MEMBER Tiehn
ON THE 8th TH DAY OF May, 2000.

A RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF AN AGREED ORDER UPON SETTLEMENT
OF LITIGATION IN THE MATTER OF MICHAEL D. LOFINO,
TRUSTEE

WHEREAS, Michael D. Lofino, Trustee, filed a declaratory judgment and injunction action against the City of Beavercreek regarding rezoning of property located at the northeast corner of North Fairfield Road and Kemp Road; and

WHEREAS, representatives of the Lofino Trust, the City and neighboring property owners met to conduct a mediation of the dispute before retired Judge Jack Meagher; and

WHEREAS, as a result of this mediation process, a recommended agreement was reached between parties to settle the legal dispute; and

WHEREAS, the terms of this agreement are set forth in the accompanying Agreed Order Upon Settlement identified as Exhibit A and attached hereto.

THEREFORE, BE IT RESOLVED THAT:

SECTION I.

The City Council of the City of Beavercreek does hereby approve and accept this AGREED ORDER as settlement of the legal proceedings.

SECTION II.

The City Attorney is hereby authorized to execute this AGREED ORDER on behalf of the City and take or cause to be taken all other action necessary and proper to affect this AGREED ORDER.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to section 121.22 of the Ohio Revised Code.

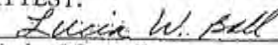
SECTION IV.

This Resolution shall become effective immediately upon its passage.

ADOPTED by the Council of the City of Beavercreek, Ohio this
8th day of May, 2000.


Mayor

ATTEST:


Clerk of Council

5/8/00
Version

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL D. LOFINO, TRUSTEE : CASE NO. C-3-98-250
Plaintiff, : (Judge Algenon L. Marbley)
-VS- : (Magistrate Judge Merz)
THE CITY OF BEAVERCREEK, OH : AGREED ORDER UPON
Defendant, : SETTLEMENT

Plaintiff herein Michael D. Lofino, as Trustee of the Charles J. Lofino Grandchildren's Trust (the "Plaintiff") has filed a declaratory judgment and injunction action herein seeking relief in regard to Plaintiff's efforts to rezone certain property located at the northeast corner of North Fairfield Road and Kemp Road in the City of Beavercreek, Ohio (the "Property").

The City of Beavercreek, Ohio (the "Defendant") filed a motion for summary judgment, which was sustained in part and denied in part.

The Plaintiff and Defendant in an effort to seek a resolution to the zoning dispute which gave rise to this litigation, agreed to mediation which included representatives of the adjacent Neighborhood. The representatives of the Neighborhood and the parties engaged in extensive and lengthy mediation on Friday, April 28, 2000. The mediation was held before Judge Meagher, who assisted the parties in the mediation process. Through the concerted efforts of all individuals at the mediation, the Plaintiff and Defendant reached an agreement that the parties agree to enter into. The parties submit to this Court an agreed upon Order settling all disputes between them arising out of the property which is the subject of this lawsuit. The parties desire the Court to adopt said agreement as the Order of the Court, and further order the parties to carry out the respective covenants and agreements as follows:

1. Defendant, the City of Beavercreek, shall by administrative or other appropriate action cause the zoning map attached to Ordinance 80-19, passed on the 18th day of February 1980, as subsequently amended, to be further amended to change



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ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2016

the 25.986+/- acres located at the northeast corner of North Fairfield Road and Kemp Road, from A-1, B-2 and B-3 to C-PUD, Commercial Planned Unit Development, and further described in Exhibit "A" attached hereto and incorporated by reference herein. The Defendant shall finalize said zoning change no later than thirty (30) days after the filing of this Agreed Order Upon Settlement.

2. Defendant, the City of Beavercreek, shall by administrative or other appropriate action approve, not later than thirty (30) days after the filing of this Agreed Order Upon Settlement, a new concept plan for the commercial PUD zoning, which shall be the concept plan for the development of the 25.986+/- acres which concept plan shall comply with the following conditions and requirements:

(a) The total square footage of the buildings and structures allowed to be constructed in the development shall not exceed 185,000 square feet.

(b) The maximum square footage of the anchor store of any shopping center building shall not exceed 65,000 square feet. The anchor store of any shopping center building shall be constructed on the northernmost portion of the Property and shall be the building abutting Lakeview Drive.

(c) Each individual tenant space, whether or not connected to the anchor store, shall contain less square footage than the anchor store. The average square footage of all buildings and/or tenant spaces, excluding the anchor store, shall not exceed 25,000 square feet.

(d) Setbacks of structures shall be shown on the concept plan, except that the setback of buildings from the eastern lot line shall be at least 175 feet and a permanent open space of 145 feet in width shall be provided along the entire eastern edge of the property line.

(e) A permanent landscape earthen mound as described herein shall be built by the Plaintiff at Plaintiff's sole expense along the entire eastern edge of the property within the required open space area described in condition (d) above. It shall also extend at its southern end westward parallel to Kemp Road a distance of at least 330 feet from the C-PUD eastern boundary. The landscape mound shall be at least 15 feet in height constructed at a maximum 3:1 slope ratio. A 10-foot high wooden privacy style fence supplemented by a 5-foot high chain link fence shall be placed on top of the mound, and the mound shall be landscaped with appropriate trees in sufficient number and placement so as to result in a screening effect from the neighboring residential properties.



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(f) The total square footage of all out-lot structures shall not exceed 30,000 square feet. No structure on any individual out-lot shall exceed 14,500 square feet.

(g) The minimum open space contained within each out-lot in the C-PUD district shall be twenty-five percent (25%) of the total area of the out-lot.

(h) All parking lots shall comply with the Defendant's parking landscape requirements and set aside not less than four percent (4%) green space within the parking lot.

(i) The truck loading dock for the anchor store shall be positioned at the northeast corner "notched" into the store building with the loading docks facing north and a wall of the same height and material as the east wall of the building designed to project sound upwards from the loading dock area and away from the adjacent neighborhood extended a sufficient depth to conceal from view from the east trucks parked at the loading docks. Trash and recycling containers for the anchor store will be directly accessible from inside the building and may be located outside of the building along the east wall.

(j) Approved access points to the property shall be from future Lakeview Drive as shown on the concept plan. Approval of additional accesses from North Fairfield Road and Kemp Road shall be subject to final review and consideration for approval at the specific site plan stage of development.

(k) Uses permitted in this C-PUD district shall be those permitted and conditional uses allowed in B-1, B-2 and O-1 districts, provided however, that conditional uses shall be subject to the approval process set forth in Defendant's zoning code.

(l) Maximum height of the one tenant space or building allowed to have a floor area of up to 65,000 square feet (the anchor store) shall not exceed 33 feet including parapet walls. No building or structure (other than the anchor store) shall exceed the maximum height limitation of 27 feet. The collective average height of all buildings and structures on the C-PUD parcel (other than the anchor store) shall not exceed 25 feet, and such average shall be computed by multiplying the square footage of each building or structure by its height. Ceiling and roof heights of all structures shall be designed so that the height of any mechanical equipment, HVAC units, and antennae will not exceed the



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permitted height of the structures and will be completely screened by building walls and parapets.

(m) No external speakers or sound equipment may be located outside any structure, provided however, that two-way speakers may be installed in connection with bank, pharmacy and similar drive-thru operations.

(n) Minimum open space for the C-PUD district, excluding the out-lots, shall be twenty-five percent (25%), however, parking spaces shall be restricted to the minimum number of spaces required by Ordinance.

3. Plaintiff shall convey to Defendant the 6.572 acre R-PUD parcel further described as parcels (part) 56, and (part) 57 on the property tax maps of Greene County, Ohio, subject to a retained easement in favor of Plaintiff for access, maintenance and detention use on the southern portion of the R-PUD parcel. Said conveyance deed shall contain a restrictive covenant, running with said property, that said property shall not be used for residential, business and/or commercial purposes and shall be treated by both parties as an "qualified conservation contribution" within the meaning of Section 170(F)(3)(B)(iii) of the Internal Revenue Code. Said conveyance shall be completed no later than thirty (30) days after the filing of this Agreed Order Upon Settlement. The Defendant agrees the Plaintiff may use the southern portion of the R-PUD parcel to comply with Defendant's detention requirements on Plaintiff's C-PUD parcel, but Plaintiff may not use the R-PUD parcel for green space compliance requirements.

4. The Defendant shall undertake extensive planting of trees and other vegetation on the parcel deeded to Defendant. The purpose of the plantings is to minimize sound, sight and smell from the Plaintiff's development for the property owners to the east. The minimum height of the trees shall be six (6) feet. The trees and other plantings will be planted in conjunction with the development of the C-PUD development and the planting season.

5. By execution of this Agreement and acceptance by this Court, the parties signify that it is their desire that all causes of action whether brought in this Court or in any other court, shall be deemed dismissed with prejudice, and this Order shall be a full and final release of all parties to this action or any action that could have been filed.

6. The parties agree to take all reasonable action and execute all necessary documents to effectuate the terms and intent of this Agreement.



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ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2016

The parties herein are ORDERED to abide by the terms of this Agreed Order Upon Settlement and shall be responsible for their respective costs related to this action.

IT IS SO ORDERED.

Magistrate Judge Michael R. Merz

Stipulated and Agreed To
This _____ day of _____, 2000.

Michael D. Lofino, Trustee

Roger J. Makley (#0018702)
Trial Attorney
33 West First Street, Suite 600
Dayton, OH 45402
(937) 223-8177
Attorney for Plaintiff, Michael D. Lofino, Trustee

OF COUNSEL
Merle F. Wilberding (#0018695)
David W. Reid (#0064261)
Coolidge, Wall, Womsley &
Lombard Co., L.P.A.
33 West First Street, Suite 600
Dayton, OH 45402
(937) 223-8177

Altick
Corwin
CO., L.P.A.

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ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2916

City of Beavercreek
Resolution No. _____, passed
_____, 2000

Stephen M. McHugh (#0018788)
Trial Attorney
1700 One Dayton Centre
One South Main Street
Dayton, OH 45402
(937) 223-1201

ATTORNEYS FOR DEFENDANT,
CITY OF BEAVERCREEK, OHIO

OF COUNSEL
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Altick & Corwin Co., L.P.A.
1700 One Dayton Centre
One South Main Street
Dayton, OH 45402
(937) 223-1201

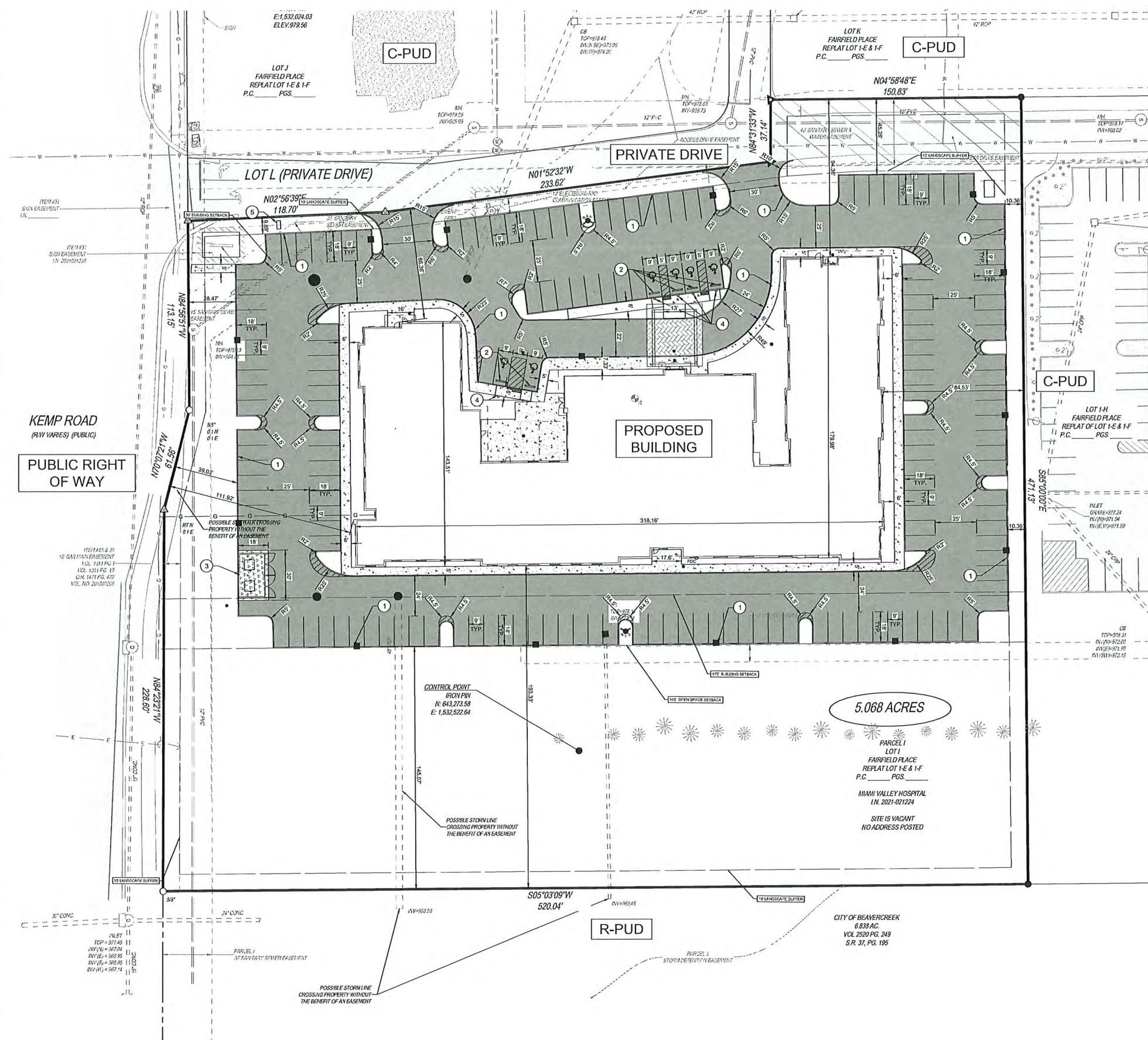
ATTORNEYS FOR DEFENDANT,
CITY OF BEAVERCREEK, OHIO



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ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2016



C200



PROPOSED LEGEND

- STANDARD DUTY ASPHALT PAVEMENT
- PATTERNED PAVEMENT
- EXTERIOR CONCRETE WALK

CODED NOTES

- BARRIER CURB
- CONCRETE WHEEL STOP
- BRICK DUMPSTER ENCLOSURE, REFER TO ARCHITECTURAL DRAWINGS FOR DETAILS.
- ACCESSIBLE PARKING SIGN
- MONUMENT SIGN

ZONING INFORMATION:

LAND USE: HOTEL
TYPE OF DEVELOPMENT: COMMERCIAL
CURRENT ZONING: C-PUD
PARKING REQUIREMENTS: 1 SPACE FOR 160 ROOMS + 1 PER 20 ROOMS = 160 + 8 = 168 REQUIRED
168 TOTAL SPACES (PROVIDED)
162 REGULAR SPACES
6 ADA SPACES REQUIRED
6 ADA SPACES PROVIDED
FLOOR AREA: MAX ALLOWABLE = 94,663 SF
PROVIDED = 94,502 SF
BUILDING HEIGHT: MAX ALLOWABLE = 40'
PROVIDED = 37.5'
BUILDING COVERAGE: 17%
OPEN SPACE: 2.54 ACRES / 110,642 SF
51% OF PROPERTY
VEHICULAR USE AREA: 65,652 SF
INTERIOR LANDSCAPING: 4% OF VEHICULAR USE AREA
REQUIRED = 2,626 SF
PROVIDED = 3,069 SF

NOTES

- THIS PROJECT IS PART OF AN OVERALL DEVELOPMENT AND IS INCLUDED IN A MASTER STORM WATER FACILITY REPORT. THE REPORT WAS PROVIDED BY THE CITY OF BEAVERCREEK PUBLIC SERVICES DEPARTMENT AND WAS PREPARED BY WOOLPERT DATED AUGUST 19, 2005. THE REPORT REQUIRED THAT THIS SITE HAVE A CURVE NUMBER EQUAL TO OR LESS THAN 90 TO BE WITHIN THE SPEC OF THE MASTER HYDROLOGY DESIGN. SEE TABLE BELOW FOR IMPERVIOUS AREA AND CURVE NUMBER CALCULATIONS DEMONSTRATING THE SITE'S CURVE NUMBER IS LESS THAN 90. REFER TO MASTER STORM WATER FACILITY REPORT FOR DETENTION AND WATER QUALITY CALCULATIONS AND REQUIREMENTS.

CURVE NUMBER TABLE

TOTAL SITE AREA:	220,849 SQUARE FEET OR 5.07 ACRES	CN=86
IMPERVIOUS AREA:	110,207 SQUARE FEET OR 2.53 ACRES	CN=98
PERVIOUS AREA:	110,642 SQUARE FEET OR 2.54 ACRES	CN=74



VICINITY MAP
1" = 1000'

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BEAVERCREEK HOTEL
BEAVERCREEK, OHIO

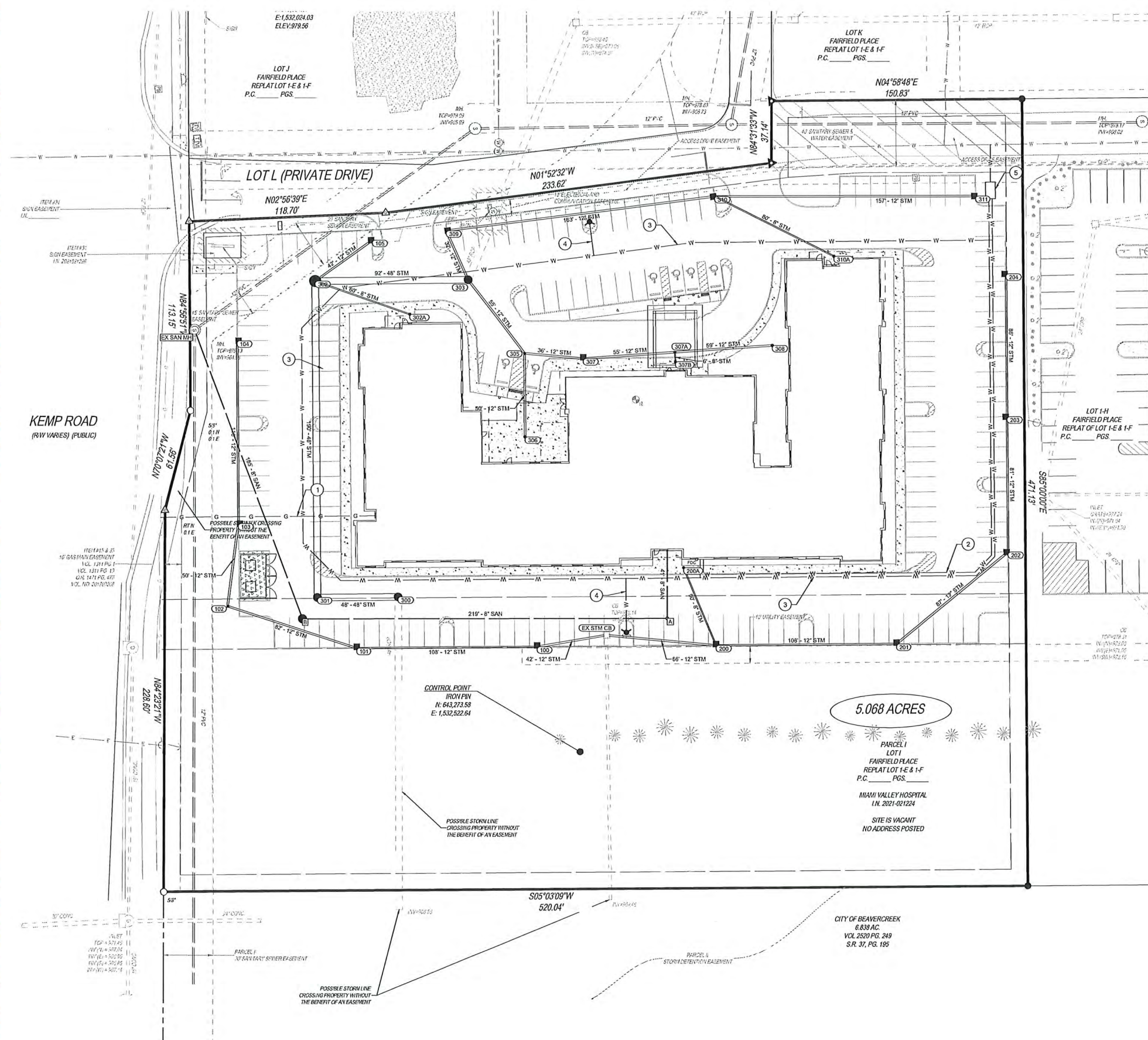
PROJECT NO: 200507.009
DATE: 2025-12-22
SCALE:

SHEET NAME:

LOCATION PLAN

SHEET NO.
C400





UTILITY LEGEND

- STM STORM SEWER PIPE
- 100 CATCH BASIN
- 100 CURB INLET
- 100 YARD DRAIN
- 100 HEADWALL
- 100 MANHOLE
- 100 STORM SEWER CLEANOUT
- 100 DOWNSPOUT
- SAN SANITARY SEWER PIPE
- 100 SANITARY SEWER MANHOLE
- 100 SANITARY SEWER CLEANOUT
- W WATERLINE PIPE
- 100 FIRE HYDRANT
- 100 WATER VALVE
- 100 POST INDICATOR VALVE
- 100 FIRE DEPARTMENT CONNECTION

CODED NOTES

- 1 PROPOSED GAS CONNECTION
- 2 2" DOMESTIC WATER LINE
- 3 8" FIRE LINE
- 4 6" FIRE LINE TO HYDRANT
- 5 PROPOSED WATER METER PIT

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DATE: 2025-12-22
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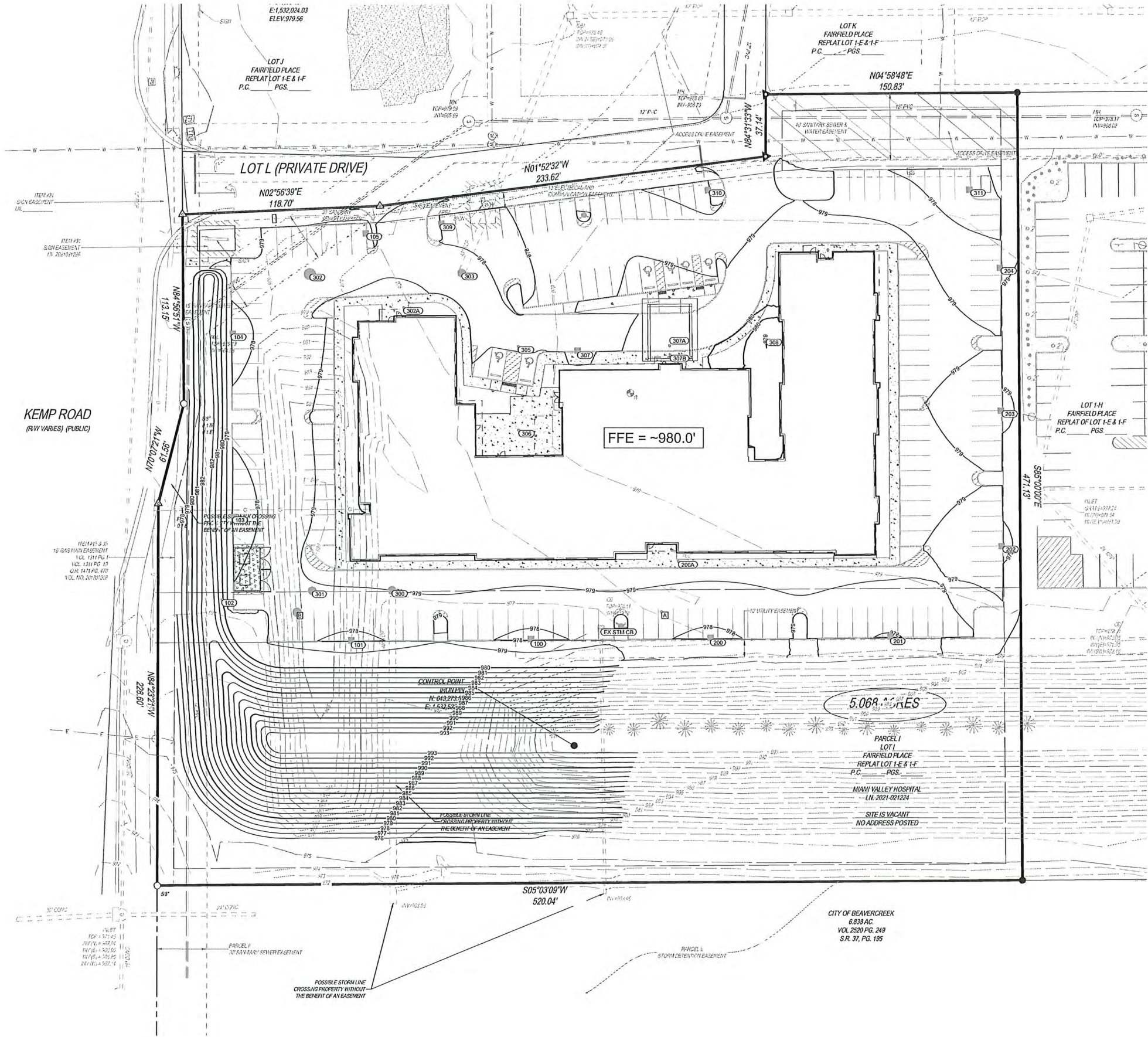
UTILITY PLAN

SHEET NO: **C500**



NOTE: UNDERGROUND UTILITIES ARE PLOTTED FROM A COMPILED LIST OF AVAILABLE RECORD INFORMATION AND SURFACE INDICATIONS OF UNDERGROUND STRUCTURES AND MAY NOT BE INCLUSIVE. PRECISE LOCATIONS AND THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES CANNOT BE VERIFIED. PLEASE NOTIFY THE OHIO UTILITY PROTECTION SERVICE AT 811 OR 1-800-362-2764 BEFORE ANY PERIOD OF EXCAVATION OR CONSTRUCTION ACTIVITY.






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NO. DATE DESCRIPTION

BEAVERCREEK HOTEL
BEAVERCREEK, OHIO

PROJECT NO. 200507.009
DATE: 2025-12-22
SCALE:
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SHEET NAME:
GRADING PLAN

SHEET NO.
C600

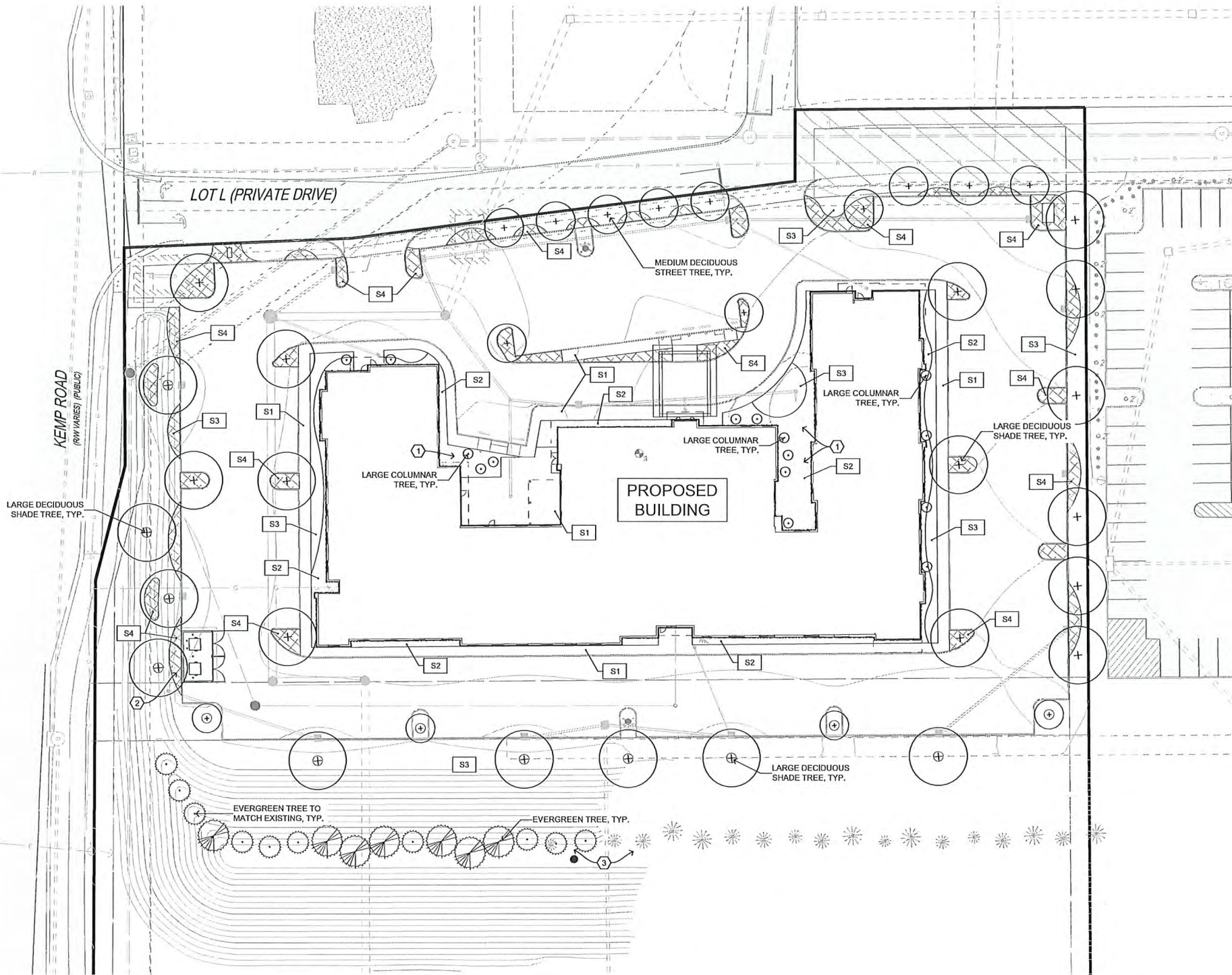




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PERIOD OF EXCAVATION OR CONSTRUCTION ACTIVITY.

CONSTRUCTION NOTES:

- 1 TWO-TONE DECORATIVE GRAVEL DESIGN
- 2 EVERGREEN SHRUB SCREEN
- 3 EVERGREEN TREE SPECIES TO MATCH EXISTING SCREEN



LEGEND

PROPERTY LINE

SURFACE ITEMS

- S1 STANDARD CONCRETE TYP, SEE CIVIL DRAWINGS
- S2 PLANTING BED WITH DECORATIVE AGGREGATE, TYP.
- S3 TURFGRASS SEED, TYP.
- S4 PLANTING BED, TYP.

PLANT MATERIAL

- DECIDUOUS TREE, TYP.
- EVERGREEN TREE, TYP.
- EXISTING TREES TO REMAIN, PROTECT IN PLACE

GENERAL NOTES

1. EACH CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING UTILITIES.
2. SUBSURFACE IMPROVEMENTS SHALL BE OBSERVED. THE CONTRACTOR SHALL CONTACT THE OHIO UTILITIES PROTECTION SERVICE (OUPS) 48 HOURS PRIOR TO ANY EXCAVATION OR DIGGING TO ENSURE THE LOCATION OF UNDERGROUND UTILITIES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT SUCH UNDERGROUND UTILITIES.
3. ALL CONCRETE FORMS SHALL BE FIELD STAKED AND APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO CONCRETE INSTALLATION.
4. ALL HORIZONTAL AND VERTICAL LAYOUT SHALL BE REVIEWED BY THE OWNER'S REPRESENTATIVE TO ENSURE GENERAL CONFORMANCE PRIOR TO CONSTRUCTION.
5. PROVIDE AN ISOLATION JOINT WHERE CONCRETE PAVING ABUTS BUILDINGS, COLUMNS, AND STRUCTURES. VERIFY COLOR OF SEALANT WITH OWNER'S REPRESENTATIVE.
6. CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS, AREA DISCREPANCIES AND/OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATIONS.
7. CONTRACTOR SHALL BE RESPONSIBLE TO CONSULT WITH SITE SUPERINTENDENT, APPROPRIATE AGENCIES, AND PLANS FOR LOCATION OF ALL UNDERGROUND UTILITIES, PIPES, AND STRUCTURES.
8. CONTRACTOR TO REPORT TO ENGINEER ANY ADDITIONAL UTILITY LINES FOUND DURING CONSTRUCTION.

PLANTING NOTES

1. EACH CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING UTILITIES.
2. CONTRACTOR SHALL VERIFY ALL PLANTING CONDITIONS FOR OBSTRUCTIONS, EXISTING TREE CANOPY COVERAGE, AND OVERHEAD ELECTRICAL POWER LINES PRIOR TO PLANTING. IF ADVERSE PLANTING CONDITIONS ARE OBSERVED, CONTACT THE OWNERS REPRESENTATIVE IMMEDIATELY.
3. ALL SHRUB MASSES TO BE INCORPORATED BY A CONTINUOUS MULCH BED TO LIMITS SHOWN AND AS SPECIFIED. MULCH BEDS TO HAVE A NEAT, EDGED APPEARANCE.
4. SUBSURFACE IMPROVEMENTS SHALL BE OBSERVED. THE CONTRACTOR SHALL CONTACT THE OHIO UTILITIES PROTECTION SERVICE (OUPS) 48 HOURS PRIOR TO ANY EXCAVATION OR DIGGING TO ENSURE THE LOCATION OF UNDERGROUND UTILITIES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT SUCH UNDERGROUND UTILITIES.
5. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE FINE GRADED AND SEEDED.
6. ALL TREES WITHIN A SPECIES SHALL HAVE MATCHING FORM.
7. THE CONTRACTOR SHALL ENSURE THAT ALL NEWLY PLANTED TREES ARE PERFECTLY ALIGNED AND SET PLUMB WITH PROPER RELATIONSHIP TO THE SURROUNDING GRADE. CONFIRM FINISHED GRADE PRIOR TO PLANTING.
8. ALL PLANT MATERIAL SHALL BE OF THE SIZE AND TYPE SPECIFIED. IF SUBSTITUTIONS ARE APPROVED BY THE OWNER'S REPRESENTATIVE, THE SIZE AND GRADING STANDARDS SHALL CONFORM TO THOSE OF AMERICANHORT.
9. PRIOR TO ORDERING PLANT MATERIAL, THE CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES AND NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES BETWEEN THE PLAN, LABELS, AND PLANT SCHEDULE.

PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
DECIDUOUS TREES:					
GLE SKY	GLEDITSIA TRIACANTHOS 'SKYLINE'	SKYLINE HONEYLOCUST	3" CAL. MIN.	B&B	SPACE PER PLAN
NYS SYL	NYSSA SYLVATICA 'TUPELO TOWER'	TUPELO TOWER BLACK GUM	2" CAL. MIN.	B&B	SPACE PER PLAN
COR COL	CORYLUS COLUMNNA	TURKISH FILBERT	2.5" CAL.	B&B	SPACE PER PLAN
PAR PER	PARROTIA PERSICA 'RED OCTOBER'	RED OCTOBER PERSIAN IRONWOOD	2" CAL. MIN.	B&B	SPACE PER PLAN
ULM FRO	ULMUS 'FRONTIER'	FRONTIER ELM	2" CAL. MIN.	B&B	SPACE PER PLAN
EVERGREEN TREES:					
PIC ABI	PICEA ABIES	NORWAY SPRUCE	8' HT. MIN.	B&B	SPACE PER PLAN
PIN VAN	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID'	VANDERWOLF'S PYRAMID LIMBER PINE	6' HT. MIN.	B&B	SPACE PER PLAN
PIN STR	PINUS STROBUS	WHITE PINE	6' HT. MIN.	B&B	SPACE PER PLAN
THU GRO	THUJA PLICATA 'GROVEPL'	SPRING GROVE ARBORVITAE	8' HT. MIN.	B&B	SPACE PER PLAN
ORNAMENTAL TREES:					
COR CHE	CORNUS FLORIDA 'CHEROKEE PRINCESS'	CHEROKEE PRINCESS DOGWOOD	2" CAL. MIN.	B&B	
MAG VIR	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	7' HT. MIN.	B&B	MULTI-STEM

KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
SHRUBS:					
HYD PAN	HYDRANGEA PANICULATA 'LITTLE QUICK FIRE'	LITTLE QUICK FIRE PANICLE HYDRANGEA	24" HT. MIN.	CONT.	PLANT 4' O.C.
JUN CHI	JUNIPERUS CHINENSIS 'GREY OWL'	GREY OWL JUNIPER	24" HT. MIN.	B&B	PLANT 6' O.C.
JUN SCO	JUNIPERUS SCOPULORUM 'MOONGLOW'	MOONGLOW ROCKY MOUNTAIN JUNIPER	24" HT. MIN.	B&B	PLANT 5' O.C.
PHY OPU	PHYSOCARPUS OPULIFOLIUS 'SEWARD'	SUMMER WINE NINEBARK	24" HT. MIN.	CONT.	PLANT 6' O.C.
THU OCC	THUJA OCCIDENTALIS 'CONGABE'	ARBORVITAE FIRE CHIEF	12" HT. MIN.	CONT.	PLANT 3' O.C.
VIB CAR	VIBURNUM CARLESII 'SPICE BABY'	SPICE BABY VIBURNUM	12" HT. MIN.	CONT.	PLANT 5' O.C.
PERENNIALS AND ORNAMENTAL GRASSES:					
BOU GRA	BOUTELOUA CURTIPENDULA	SIDE-OATS GRAMA	#2	CONT.	PLANT 18" O.C.
CAL ACU	CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	#2	CONT.	PLANT 30" O.C.
ECH PUR	ECHINACEA 'AMAZING DREAM'	AMAZING DREAM CONEFLOWER	#2	CONT.	PLANT 24" O.C.
LIR MUS	LIRIOPE MUSCARI 'BIG BLUE'	BIG BLUE LIRIOPE	#2	CONT.	PLANT 24" O.C.
MON DID	MONARDA DIDYMA 'RASPBERRY WINE'	RASPBERRY WINE BEE BALM	#2	CONT.	PLANT 24" O.C.
PAN VIR	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH SWITCHGRASS	#2	CONT.	PLANT 30" O.C.
RUD FUL	RUDBECKIA FULGIDA 'GOLDSTURM'	BLACK EYED SUSAN	#2	CONT.	PLANT 24" O.C.
SAL YAN	SALVIA YANGII 'LACEY BLUE'	LACEY BLUE RUSSIAN SAGE	#2	CONT.	PLANT 30" O.C.
SCH SCO	SCHIZACHYRIUM SCOPARIUM 'CAROUSEL'	CAROUSEL LITTLE BLUESTEM	#2	CONT.	PLANT 18" O.C.
TURFGRASS SEED: SEE SPECIFICATIONS					



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SEAL:

NO DATE DESCRIPTION

BEAVERCREEK HOTEL
BEAVERCREEK, OHIO

PROJECT NO: 200507.009

DATE: 2025-12-22

SCALE:



SHEET NAME:

PLANTING PLAN

SHEET NO.

L100



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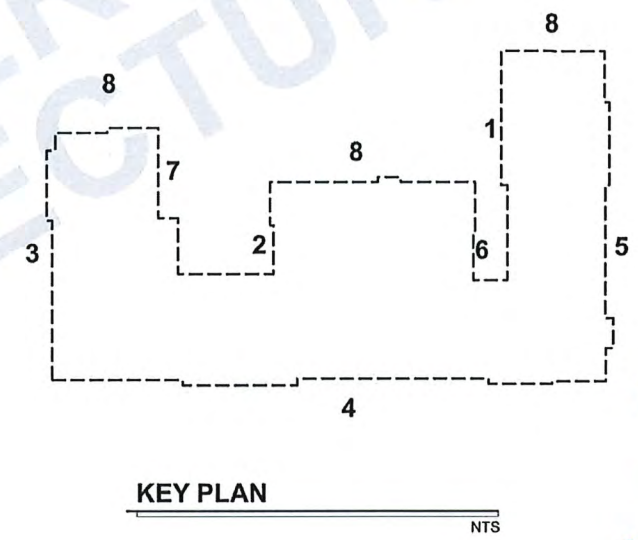
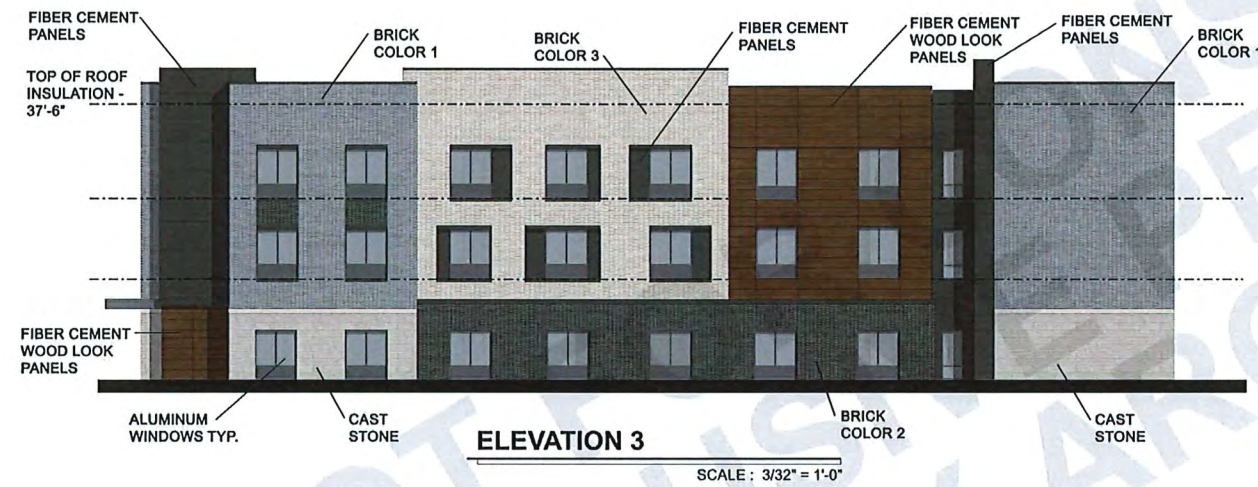
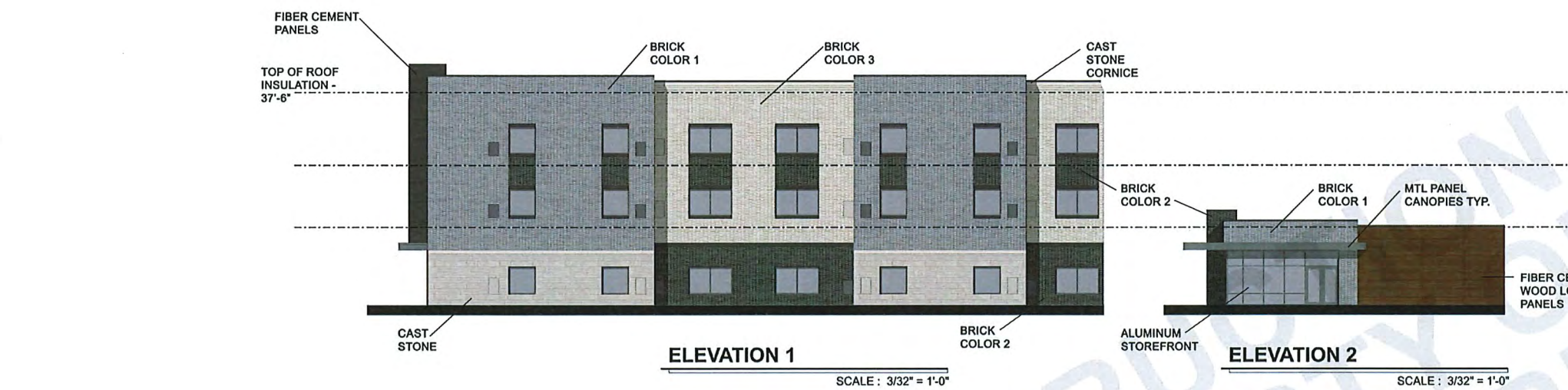
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HOMEWOOD SUITES
LOT 1 FAIRFIELD PLACE
BEAVERCREEK, OHIO

ISSUE DATE	07/21/2025
ISSUE DATE	07/21/2025
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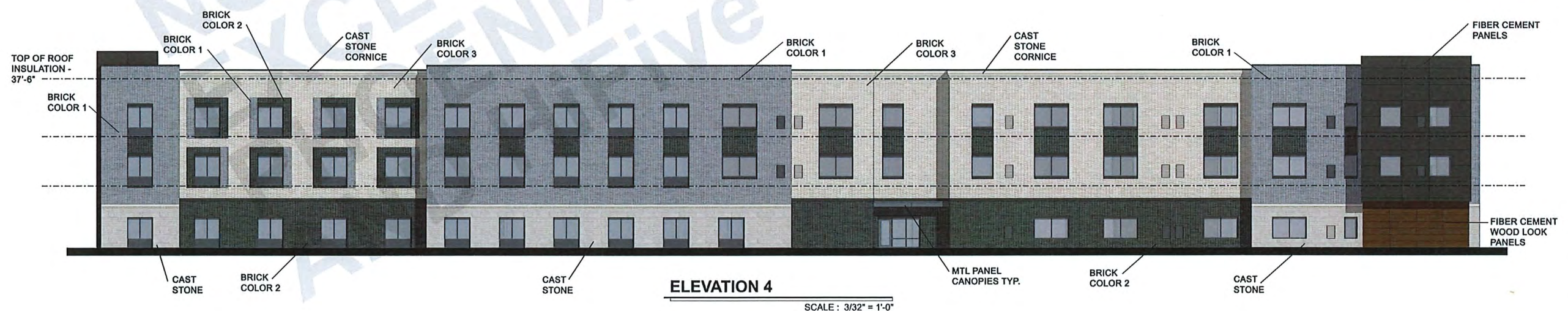
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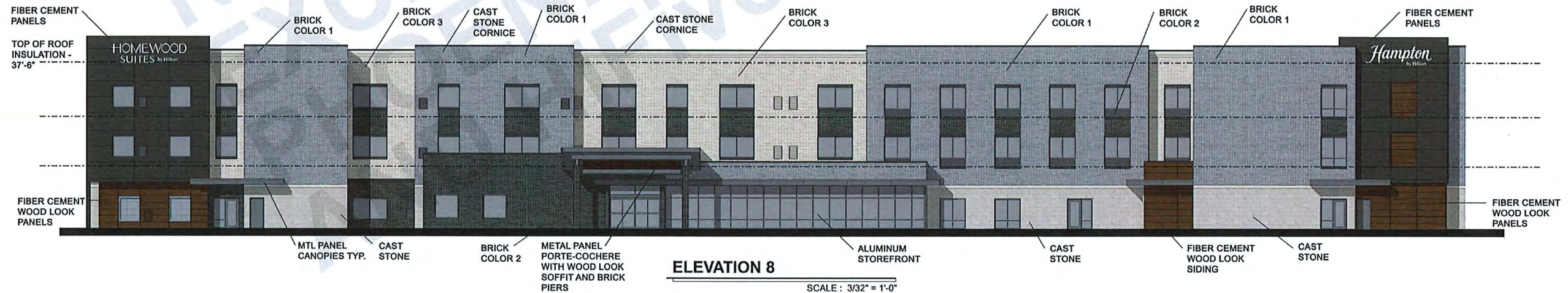
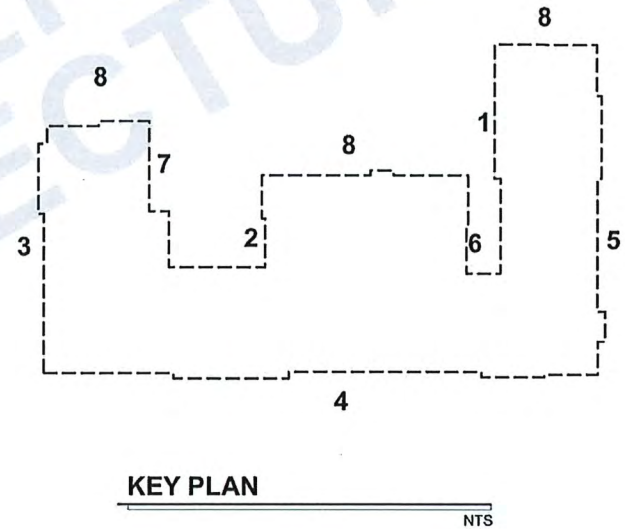
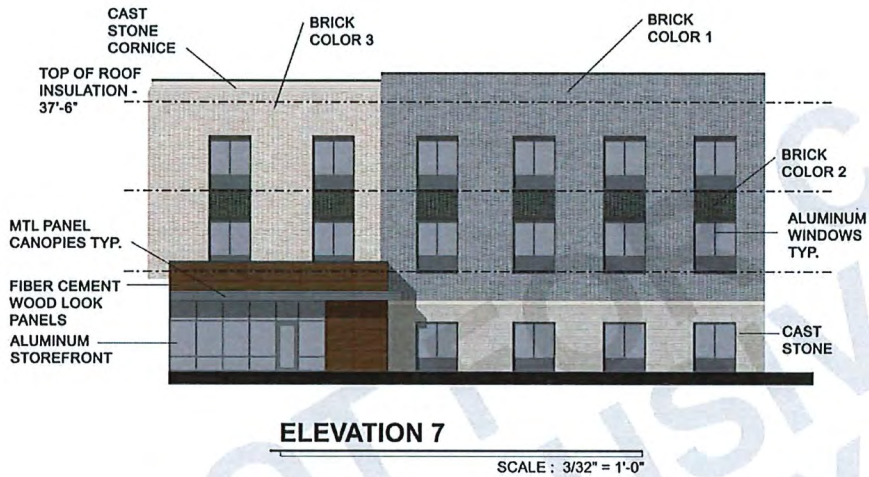
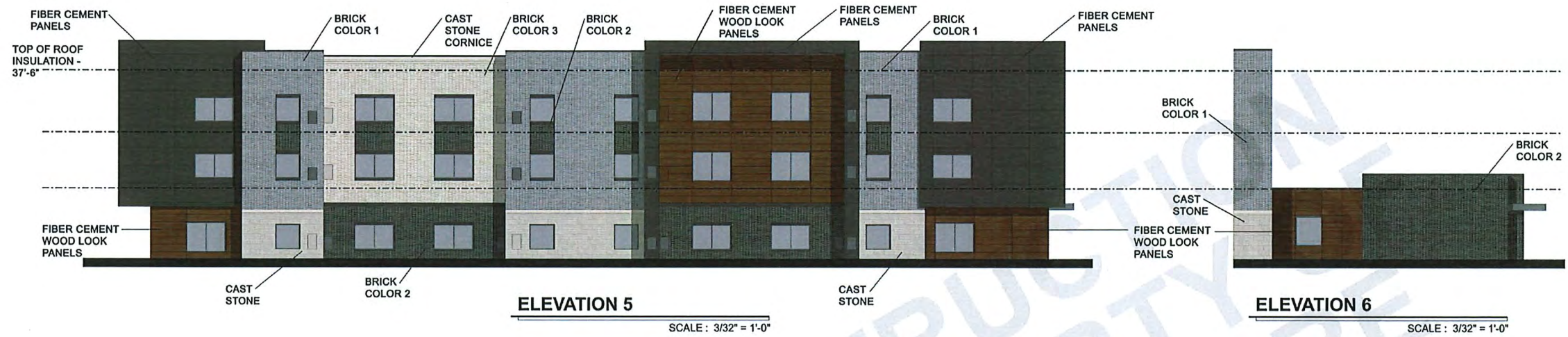


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









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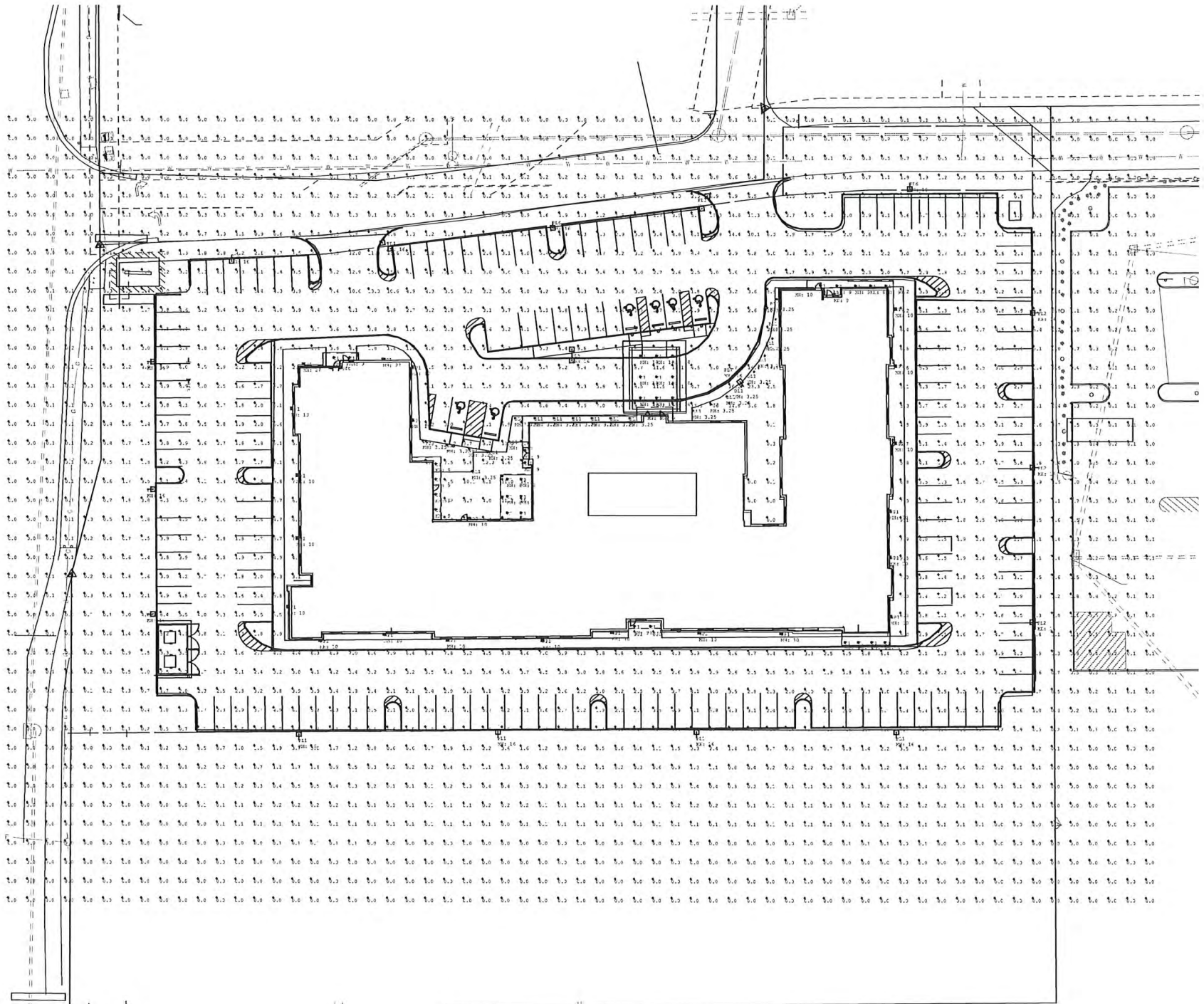


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Luminaire Schedule								
Symbol	Qty	Label	Arrangement	LLF	Description	Lum. Watts	Total Watts	Lum. Lumens
	22	BL1	Single	0.900	KBR8 LED 16C 700 40K SYM MVOLT	39	858	2022
	37	C1	Single	0.900	LBR5NCH ALO1 (750LM) SWW1 (4000K) AR LSS MWD 80CRI	9	333	930
	4	PL1	Single	0.900	DSX1 LED P5 40K 70CRI T3M	138.16	552.64	17629
	6	PL2	Single	0.900	DSX1 LED P5 40K 70CRI T4M	138.16	828.96	17692
	1	PL3	GROUP	0.900	1 x DSX1 LED P5 40K 70CRI T3M HS & 1 x DSX1 LED P5 40K 70CRI LCCO	N/A	276.325	N/A
	1	PL4	GROUP	0.900	1 x DSX1 LED P5 40K 70CRI T3M HS & 1 x DSX1 LED P5 40K 70CRI LCCO	N/A	276.325	N/A
	1	PL5	Back-Back	0.900	2 x DSX1 LED P5 40K 70CRI T3M	138.16	276.32	17629
	3	PL6	Single	0.900	DSX1 LED P5 40K 70CRI T4M HS	138.1649	414.495	15391
	1	PL7	Single	0.900	DSX1 LED P5 40K 70CRI T7TM	138.16	138.16	16015
	22	WP1	Single	0.900	WDE2 LED P4 40K 70CRI T2M	46.6589	1026.496	4815
	1	WP2	Single	0.900	WDE2 LED P4 40K 70CRI T7TM	46.6589	46.659	4742

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
Site	Illuminance	Fc	1.88	23.3	0.0	N/A
Parking	Illuminance	Fc	3.78	15.5	1.0	3.78

Note: PL1, PL2, PL3, PL4, PL5, PL6, PL7 on 14ft pole on 2ft base.



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Design Criteria

DESIGN FILE: Hampton Inn Beaver Creek	PICTURE LAYOUT IS BASED ON A 0.9 LIGHT LOSS FACTOR AND REFLECTANCE VALUES UNLESS NOTED OTHERWISE.
MINIMUM: MAXIMUM: AVERAGE:	INTERIOR LIGHTING LEVELS ARE SHOWN AT UNLESS NOTED OTHERWISE
AVE/AM: MAX/AVE: MAX/AM:	EXTERIOR LIGHTING LEVELS ARE SHOWN AT 0'-0" A.F.G. UNLESS NOTED OTHERWISE



King Lighting, Inc.
330 James Doherty Dr.
Fondatia, OH 43077
(937) 223-0303 Fax (937) 223-3322
www.king-lighting.com

Lighting Calculation
Hampton Inn Beaver Creek Site

Lighting Site Plan	SCALE 1/32"=1'	DESIGNER JG	CHECKED JG	DATE 12/22/2025	SHEET S1
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