



Planning Commission

~Agenda~

<http://www.ci.moraine.oh.us/>

Clerk of Council
937-535-1005

July 15, 2025

6:00 PM

Payne Recreation Center

- I. Call to Order**
- II. Approval of Minutes**
 - A. Planning Commission Meeting Minutes - May 20, 2025
- III. Business**
 - A. R-02-2025: Zoning District Change of 3305 Main Street from R-2 to B-2
- IV. Other Business**
- V. Adjournment**

RECORD OF PROCEEDINGS

Minutes of Planning Commission

Held May 20, 2025

Call to Order

Meeting called to order 6:01 PM.

Caleb Stapleton	Chair	Present
Kevin Howard	Member	Present
Tom Watts	Member	Present
Gina Delph	Member	Present
Stephen Noel	Member	Present

Staff Present: City Planner Nick Sorice; Building and Zoning Administrator Brent Carpenter; Public Information Officer Aaron Vietor.

Approval of Minutes

Planning Commission Meeting Minutes - February 18, 2025

Mr. Stapleton asked if there were any changes or corrections to the February 18, 2025, Planning Commission meeting minutes. Mr. Watts moved to approve the minutes; Mr. Howard seconded the motion.

RESULT: Passed (*Yes 4, No 0, Abstained 1*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Kevin Howard, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: Stephen Noel

Business

R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1

City Planner Nick Sorice reviewed the Technical Review Committee Staff Report for Planning Commission Case R-01-2025. He stated the applicant is Jeffrey R. Anderson Real Estate, Inc. He reported the location of the proposed zoning district change is 2705 Lehigh Place, Lot No. 5191, in the City of Moraine. He noted the current zoning district this property resides in is R-4 which is a Multifamily Zoning District. He said the proposed district the applicant is applying for is B-1, which is a Neighborhood Business District. He said the applicant is applying for a zoning change for the 2705 Lehigh Place apartment complex from R-4 to B-1. He noted this is a preliminary developmental step for the construction of a Wawa store at the sites of a vacant Frisch's store and an apartment building. He said changing the 2705 Lehigh Place zoning district to a B-1 will match the 4830 South Dixie Drive (old Frisch's property) zoning district for proper lot combination to take place in the future if the zoning is approved. He said this formality is being brought before the Planning Commission prior to a 30-day legal notice for a public hearing brought before City Council. He noted that all legal notices were issued per Moraine Codified Ordinances, Chapter 1127. He stated the owner of the apartment complex at 2705 Lehigh Place, George Brand, is in a great relationship with the tenants. He noted Mr. Brand stated in an email that he will be actively assisting in the effort to relocate residents to other properties that he is in ownership of in Moraine and the surrounding areas. Mr. Sorice said there were no objections from the Moraine Police Division or the Moraine Fire Division to the proposed usage of this land for a 24-hour Wawa store. He said the Technical Review Committee does not have any objections to the proposed zoning district change from an R-4 to B-1 Zoning District for the purposes outlined. He said the Technical Review Committee would like Wawa, Inc., to ensure the lighting of the property does not encroach onto the neighboring properties. He remarked that the developer will need to abide by all Ohio Building Code

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Held May 20, 2025

standards, zoning, and landscape requirements as outlined in the Moraine Codified Ordinances. He noted that any variances that would occur from this development would need to be brought before the Board of Zoning Appeals if the zoning and lot combination is approved. He said the Technical Review Committee is in agreement that this redevelopment of the Frisch's property will help bring a refreshing entrance to the City of Moraine for those traveling from neighboring cities and offers a healthy economic impact on jobs, fueling services, and fresh food and beverages. He stated this store would be an attraction to Moraine and much more. He noted there is currently a Wawa store open in Liberty Township, one under construction in Huber Heights, and recently the City of Fairborn gave approval for a Wawa store. As part of the Technical Review Committee Staff Report, Mr. Sorice read a message from Judy Huebner, who lives on Pensacola Drive, regarding concerns of traffic and safety in the neighborhood. Mr. Sorice invited anyone to speak who had questions regarding the report. Seeing none, Mr. Sorice invited representatives from J.R. Anderson Real Estate and Wawa, Inc., to speak at this time.

Mr. Casey Abney introduced himself as the Project Manager for Jeffrey R. Anderson Real Estate, a Cincinnati-based real estate development company that specializes in developing commercial real estate. He said the company is working with Wawa, Inc., on multiple locations in the Cincinnati area and one location in northern Kentucky. He noted that Wawa, Inc., has identified Dayton as a target market. He said the site in Moraine is a good site for Wawa, Inc., because of the visibility, distance to the highway, and traffic counts. He said he has had many conversations with Mr. Sorice regarding the zoning code requirements and site planning details. He introduced Patrick Warnement of Wawa, Inc., to speak to the services and jobs that Wawa offers.

Mr. Warnement presented a brief history of Wawa, Inc. He reported the company began in the 1800's as an iron foundry, progressed into a dairy and moved into small grocery stores, eventually offering fuel. He said the food part of the business is important to Wawa, Inc. He said the proposed store offers 40 new jobs and an Employee Stock Ownership Plan. He said there are at least three employees in the store at all times for safety concerns. He reported that Wawa, Inc., is the largest Tesla charging partner in the United States. He talked about the Wawa Foundation charities. He noted that Wawa tries to be a good neighbor. He said the Moraine site does not have much landscaping, so there will be more than what is there currently. He reported Wawa does not offer franchising opportunities and that all the locations are company-owned.

Mr. Sorice read a statement from Mr. George Brand regarding the tenants, and particularly one tenant he is currently working with to find a new residence. Mr. Brand stated he will offer the tenants of 2705 Lehigh Place apartments in other buildings he owns as they become available. Mr. Brand also stated he feels this development will be a great asset to the City of Moraine.

Mr. Stapleton invited any opponents or proponents of this case to speak and noted the allowed three-minute time limit.

Ms. Jeanette Marcus said she has been a resident of the community for 40-plus years and has been on City Council for 18 years. She said she has never seen a worse plan than this proposal brought before City Council. She remarked that this plan is a catastrophe and means the partial destruction of her Ward. She discussed the map included in the packet. She stated that the main streets, Springboro Pike and South Dixie Drive, are marked off in red and have no access as that area is too dangerous. She said many accidents happen at that intersection. She pointed out that Manistee Place and Lehigh Place have residents, and on Pensacola Drive is the only playground owned by the City for the children. She discussed the Parks and Recreation Vision Plan benefit assessment of that park. She reiterated that the entrances and exits shown on the plan are on Manistee Place, Lehigh Place, and Pensacola Drive. Mrs. Marcus explained a scenario of a car traveling too fast on South Dixie Drive hitting the gas pumps. She noted the lot is elevated, and there is no way to buffer the lights, fumes, and noise from the residents in the area. She stated

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the apartment building is the buffer between the Frisch's building and the residential community. She said that apartment building is the protection against people trying to do something like Wawa and the City Manager are trying to do now. She said every other commercial lot on Springboro Pike or South Dixie Drive that borders the neighborhood has an alleyway behind it and the houses back up to the alley. She said that lot has no alleyway. She said tanker trucks full of gasoline will access the facility by Pensacola Drive.

Mrs. Delph said the alley being discussed is not a good thing because it does not buffer the residents from much activity, and it encourages illegal activity.

Ms. Marcus said there is a better property for a Wawa within ten minutes' walking distance from the proposed location.

Mr. Sorice informed Ms. Marcus she is past the three-minute time limit.

Mr. Watts stated the property Ms. Marcus is recommending does not have the same level of visibility as the Frisch's property. He asked Ms. Marcus if she would be opposed to a smaller gas station without removing the apartment building?

Ms. Marcus replied she would be opposed as there are four gas station convenience stores within a ten-minute walk of that property, and Moraine does not need a fifth gas station. She asked how much flammable material can be brought into one community? She said children will not be able to walk back and forth and across Lehigh Place to the playground. She said there is already trouble with traffic on Lehigh Place. She said she disagrees with Mr. Watt's comment on the visibility of the other location.

Mr. Stephen Watson stated he is one of the tenants at 2705 Lehigh Place. He said there is a good amount of local economic potential for the proposed Wawa. He said there is a noise concern for the neighborhood during demolition and construction. He said Wawa will attract more traffic into the neighborhood considering the location of the entrances and exits and how they are laid out. He reported there will be more noise pollution the residents will have to deal with considering this business is a 24-hour gas station and food service business. He said his second concern is the reallocation of tenants. He said the landlord, Mr. Brand, has stated if this project is approved, his intention is to make other properties available to the current tenants as they become available. He said he knows Mr. Brand means well, but there are no promises as there are eight tenants in that building who need rehousing. He stated giving a 30-day notice is not the right thing to do, and the market for apartments is not the best. He stated his hope is that if the plan goes through, the City Planner can give Mr. Brand enough notice for him to help his tenants get rehoused in other apartments or to give the tenants two to three months' notice.

Mr. Stapleton asked if there was anyone else who would like to speak for or against the proposed zoning change.

Mr. Stapleton closed the Public Hearing and opened up discussion with the Planning Commission.

Mr. Watts addressed Mr. Abney stating the exits and entrances on residential streets concerns him, especially on Manistee Place. He said that side of the property is elevated heavily from the street level and asked what is the plan for that area.

Mr. Abney said a full grading report has not been completed on the site, but he assumes it calls for bringing the property down a little bit.

Mr. Watts said at one time the intersection was the fourth busiest in the State of Ohio. He said having electric charging stations is a plus and confirmed there are none in Moraine other than at

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Tesla. Mr. Watts asked Mr. Abney if there is a different proposal for entrances and exits at the property.

Mr. Abney reported there is not and this plan is what works for the operation. He said his company views this as a benefit to the existing conditions and noted if another restaurant moved in, the existing curb cuts off South Dixie Drive and Springboro Pike would remain where the speed limit increases substantially. He said a traffic study was completed and submitted to the City late last week. He said the traffic study showed the level of service for the existing roadways is acceptable to the trips that will be generated by the new business. He noted that the current line of sight triangles, upon clearing of the site and removal of the trees, would be acceptable for all three of the proposed curb cuts. He said he is unable to answer which street semis will be entering from and to Mr. Watt's concern that Manistee Place is a very narrow road, he stated Wawa will not go for a location if the semis and the fleet cannot enter the site to refuel and provide store merchandise.

Mr. Sorice invited City Engineer Lauren Alvarado to address traffic concerns.

Mrs. Alvarado discussed Bayer Becker's traffic impact report. She said there will be an increase of traffic on the surface roads, but based upon the drive entries, most of the traffic will be from the entry to either Springboro Pike or South Dixie Drive. She said from her experience, the truck turns will be provided with the fueling, and she cannot foresee them going any further than right inside the entrances. She said there is more than enough truck turn movement and the City will be working with Wawa as the plans develop.

Mr. Watts confirmed that Mrs. Alvarado feels Lehigh Place is wide enough to turn a semi in off of State Route 741 (Springboro Pike). He asked how many times the semi driver making a right-hand turn will have to encroach into the oncoming traffic lane to make that turn.

Mrs. Alvarado replied never if the driver is a skilled driver.

Mr. Watts said this is a residential street where quite a few residents exit that plat off Lehigh Place and sit at a stop sign. He said then a semi could be backing up on S.R. 741 waiting for the car to exit so he can make the turn.

Mrs. Alvarado said the drive distance from Springboro Pike to the access drive on Lehigh Place is more than enough to stack three semis and in respect eight cars. She said if the traffic is stacking that far, which the traffic numbers do not indicate, there would still be space to allow cars to turn onto Lehigh Place and wait for the truck to make its turn. She said the numbers in the report do not indicate that scenario.

Mr. Watts asked Mr. Warnement what time of day most deliveries of fuel would arrive at the station?

Mr. Warnement said that broadly speaking, fuel deliveries happen between the hours of 7:00 a.m. and 11:00 a.m. two to three times per week.

Mr. Watts expressed his concern about the morning timeframe considering the upcoming new potato chip factory employees, Fuyao employees, and other companies moving into Moraine. He said his only concern is that those streets are very tight streets.

Mr. Warnement said the two curb cuts are so close to South Dixie Drive, the trucks will not be going beyond that. He said the drive widths are thirty to thirty-five feet.

Mr. Watts asked about screening and landscaping.

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Mr. Abney said based on the requirements at this stage of the rezoning process, lighting and landscaping plans have not been submitted. He stated he can have those plans prior to the next City Council meeting.

Mr. Sorice said Wawa would be required to supply a tree every 50 feet that has at least 15 feet of growth at the crown at maturity. He said the City can work with the company to have more of a transition between the neighborhood and the Wawa site.

Mr. Warnement stated if Wawa needs to add extra landscaping to soften the transition, they will be happy to do so. He added that the fuel tanks are double-walled fiberglass, Wawa uses corrosion-proof materials, and they also use a leak detection system. He said Wawa, Inc., has exceeded the code since the company began selling fuel.

Mr. Watts asked about the existing land dynamic that Frisch's sits on now. He asked if a gas station could come into that area right now.

Mr. Sorice said the shape of the land would make it very difficult, but yes, a gas station or convenience store could move in to that location. He said the City could not refuse that as it is zoned as a B-1 area already, and a business owner would not need to come before the Planning Commission. He said Wawa is a unique opportunity, and the City is glad Wawa reached out. He confirmed for Mr. Watts that the only thing to determine today is whether the rezoning of the apartment building is justifiable to building a Wawa on the site.

Mr. Noel said all of the concerns are justifiable and need to be heard. He said the positive outlook of that is that competitors are going to Huber Heights currently, and that comes with a cult following. He said Wawa has its own cult following as well. He said you have to bring something to the City that attracts people. He said this proposal does not come without its kinks, but at the same time this is something that now competes with the Huber Heights area. He said what this proposed zoning change brings to the community is a huge weight on what the commission needs to consider.

Mrs. Delph said as long as the landlord and Wawa agrees to the Planning Commission's concerns, she believes the benefits outweigh the disadvantages.

Mr. Sorice said with the B-1 district, there is a Sunoco gas station and a Marathon gas station that resides in the B-1 district. He said with this store providing jobs, economic benefits, and an attraction to Moraine and someone willing to help take out the eyesore of the Frisch's building, the Planning Commission is honored to have something like this come before them.

Mr. Watts moved to approve the zoning district change of 2705 Lehigh Place from R-4 to B-1; Mr. Noel seconded the motion.

RESULT: Passed (*Yes 5, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Kevin Howard, Tom Watts, Gina Delph, Stephen Noel
NAYS: None
ABSTAIN: None

Other Business

There was no other business.

Adjournment

Meeting adjourned at 6:44 PM.

RECORD OF PROCEEDINGS

	Minutes of Planning Commission	Held May 20, 2025

R-02-2025: Zoning District Change of 3305 Main Street from R-2 to B-2

Department: Clerk of Council

Request: Action Item

Item Background and Purpose:

An application was received in the Community Development Office for the building/land usage of 3305 Main Street by the owner. As a business has been discontinued on this parcel for more than 2 years, it is to require a rezoning to bring it up to land-use code, per the Moraine Codified Ordinances. It is currently zoned in a Single Family Residential District R-2 and will need to be rezoned to a B-2 (General Business District) for tobacco sales to take place at this parcel and building.

Attachments:

1. Reviewed Application Scanned
2. R-02-2025 Legal Notice Notification to Neighbors
3. Screenshot 2025-07-02 084200 Updated
4. Mailing Labels
5. Zoning Map
6. MCO 1191
7. MCO B-2
8. MCO B-1
9. MCO R-2
10. Accela Info for R-02-2025
11. Comprehensive Plan
12. R-02-2025 Staff Report

City of Moraine Planning Commission

Application for Zoning District Change

Revised 11/2021

Reviewed by Nick Sorice 07/01/2025

Paid: 07/01/2025

Office Use (This Section only)

Receipt #

6932

Date Received: 06/30/2025

Application No.: R-02 - 2025

Fee: \$200

Proposed Zoning Dist.: B-2

PUD District? N/A ☐

PUD Site Plan? N/A ☐

Location Information - General

City Lot Number(s): 3305 Main Street Area in Acres: .1188

Site Address: 3305 MAIN STREET MORaine OHIO 45431

Applicant(s) – Please include additional owners, applicants, or developers on back of application

Name of Owner: Omar Shaker

Address: 10980 Cobble Brook Drive City: centerville State: ohio

Contact Phone: 937-977-8448 Email: Centervilletowing@icloud.com

Zoning Data

Present Use: C - SMALL (UNDER 10,000SF) DETACH RETAI Certificate of Occupancy: M

Present Zoning Dist.: ~~MULTI USE SALES~~ R-2 Proposed Zoning Change: ~~none~~ B-2

Proposed Use(s): TOBACCO Sales

*Changes above were communicated to Omar Shaker via email and phone conversation

Supporting Information

Your Application must include the following information. This information should be provided as an attachment to this application at the time of its filing. Failure to provide such information may delay the processing of your application.

- Vicinity Map, showing property lines, streets, existing and proposed zoning
- List of owners for all property within 200 feet of any property included in this application. This includes properties immediately contiguous, across any streets, or properties that are non-adjacent but within the 200 foot radius.
- If applying for PUD approval, include all materials and information required by MCO Chapters 1155.05(c) and/or 1155.06(d), as applicable.

Omar Shaker

Applicant Signature

06/30/2025

Date

July 3, 2025



**PLANNING COMMISSION R-02-2025
LEGAL NOTICE**

Dear Property Owner,

As a property owner located within 200 feet of a property whose representative is requesting a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127, the City is notifying you of a public hearing where the case will be heard. You are invited to attend or send someone as your representative. Below is the description of the case and the time and location of the public hearing.

An application for a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127 was submitted through the Community Development Department.

A Planning Commission Meeting for a Zoning District Change will be held on Tuesday, July 15, 2025 at 6 p.m.

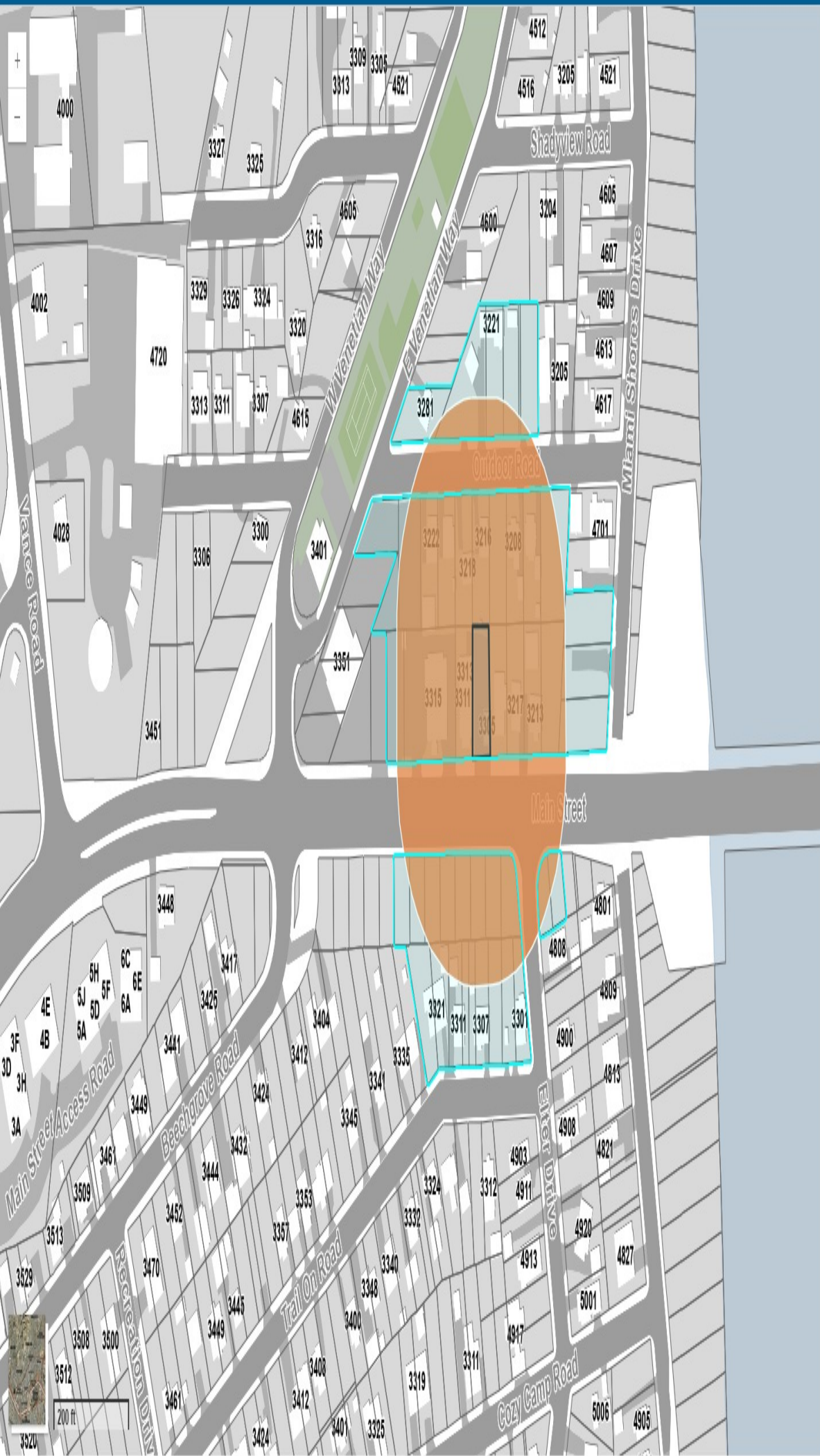
The agenda for this Zoning District Change is a request submitted by Omar Shaker for the premises located at 3305 Main St. Moraine, OH 45439. City Lot Number: 2152

The applicant, Omar Shaker, requests for a Zoning District Change from R-2 (Single-Family Residential District) to B-2 (General Business District).

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 p.m. at the Payne Recreation Center: 3800 Main St. Moraine, OH 45439.

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037. Contact can be made as well by email at: nsorice@moraineoh.org

Nick Sorice
City Planner
City of Moraine





Export

Select lists to include in the exported file. Export lists as CSV and PDF.

My lists

☐ R-02-2025 200 Ft. Radius
☐ Property Owners Jun2025
Selected features: 34

☒ Sketch 200 Feet
☒ Property Owners Jun2025
Selected features: 46

☒ Remove duplicates: Duplicates: 16 ?

PDF

CSV

Export

ALTA VISION INC
2232 E RIVER RD
DAYTON OH 45439

SWEET BEVERLY J AND BLIN D RICHARDS
3218 OUTDOOR RD
DAYTON OH 45439

WILDER MARK
3216 OUTDOOR RD
DAYTON OH 45439

COFFEY MAURICE + OPAL
4701 MIAMI SHORES DR
DAYTON OH 45439

O` LAUGHLIN PARTICK M AND ANNA R
3213 MAIN ST
DAYTON OH 45439

GRIFFIN MARTHA A AND JAMES M
3221 OUTDOOR RD
DAYTON OH 45439

REID FARREN
3301 TRAIL ON RD
DAYTON OH 45439

MARSHALL TERESA F TR
7339 MOHAWK TRAIL RD
DAYTON OH 45459

MJ MULTANI LLC
2485 QUEEN ELIZABETH CT
DAYTON OH 45431

PUMMILL PEGGY L
4701 MIAMI SHORES DR
DAYTON OH 45439

FIRST FREEDOM BAPTIST
CHURCH OF MORaine
3315 MAIN ST
DAYTON OH 45439

SIMMONS RALPH A TR
8534 YANKEE ST SUITE 1B
DAYTON OH 45458

LARRABEE JON AS CUSTODIAN OF LARRABEE
CONSULTING GROUP LLC 401K PLAN
PO BOX 355
DAYTON OH 45449

CRIDER JANICE G AND RONALD C
3204 OUTDOOR RD
DAYTON OH 45439

FANTAYE ABRHAM
3217 MAIN ST
DAYTON OH 45439

ARRIVAL HOMES LLC
P O BOX 364
ENGLEWOOD OH 45322

UZHCA MERCY
3321 TRAIL ON RD
DAYTON OH 45439

PUMMILL PEGGY L
4701 MIAMI SHORES DR
DAYTON OH 45439

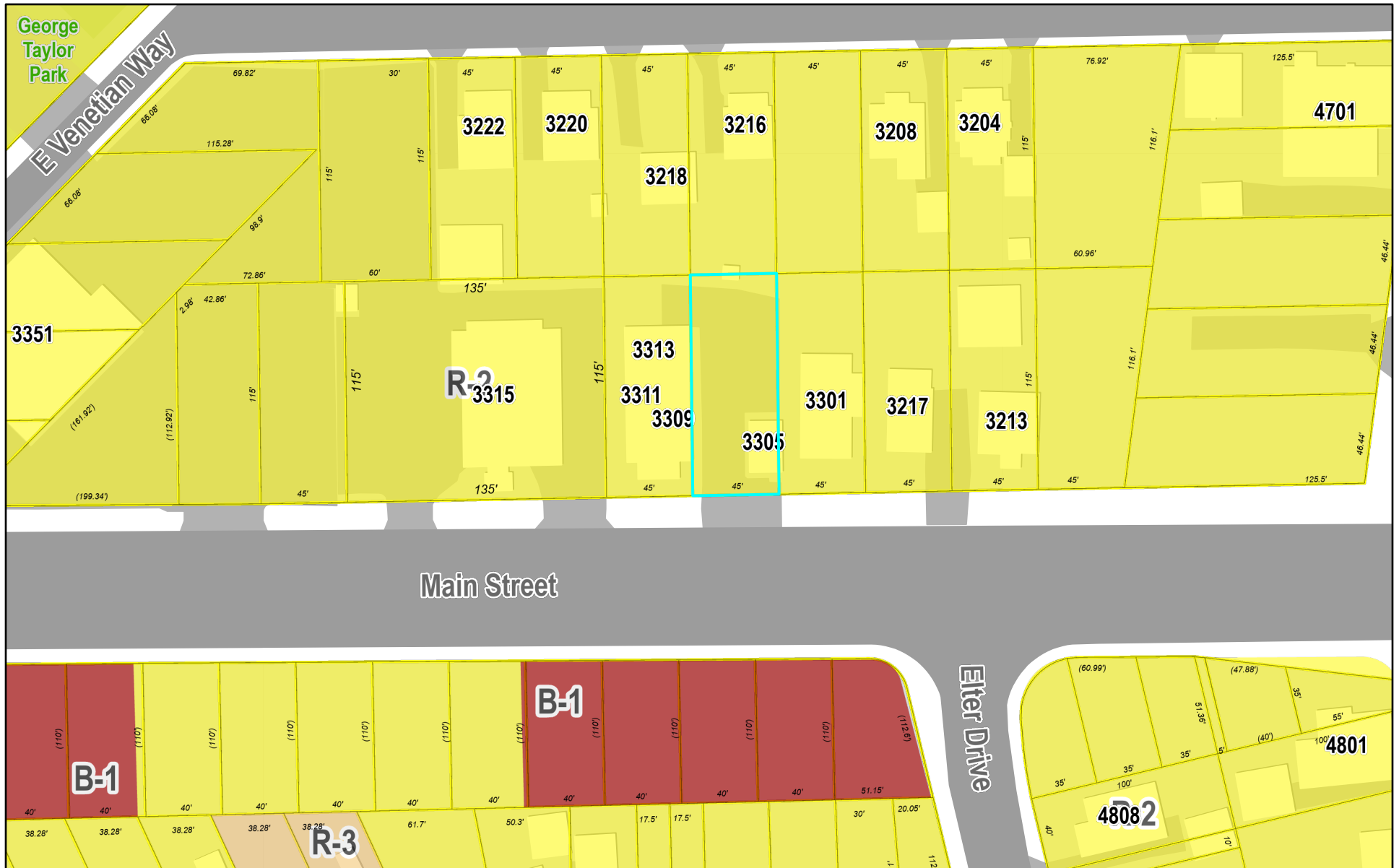
WAX TRACIE L
3311 TRAIL ON ROAD
DAYTON OH 45439

FLYNN LESLIE AND JOHN JR
3222 OUTDOOR RD
DAYTON OH 45439

KIDD TERESA A
4808 ELTER DR
DAYTON OH 45439

SCOTT CASSANDRA ANN
3209 OUTDOOR RD
DAYTON OH 45439

City of Moraine



7/3/2025, 8:34:29 AM

6

Kettering Addresses Managed

Parks-3

Parcels

Zoning Districts

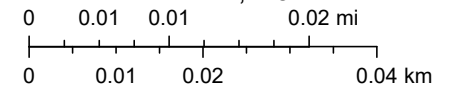
R-2 Single Family Residential

R-3 One & Two Family Residential

B-1 Neighborhood Business

Parcels

1:1,128



City of Kettering, Montgomery County, Ohio, City of Kettering GIS

CHAPTER 1191

Nonconforming Lots, Structures and Uses

1191.01 Nonconformance prior to effective date of Code.

1191.02 Nonconforming use of land.

1191.03 Nonconforming use of building.

CROSS REFERENCES

Board of Zoning Appeals - see CHTR. 7.4; P. & Z. Ch. 1125

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

Nonconforming lot defined - see P. & Z. 1115.03(a)(229)

Nonconforming structure and use defined - see P. & Z. 1115.03

(a)(231), (232)

Signs for nonconforming uses - see P. & Z. 1189.21(e)

Issuance of zoning certificate for nonconforming uses - see P. & Z. 1193.02

1191.01 NONCONFORMANCE PRIOR TO EFFECTIVE DATE OF CODE.

Any lawful use, building or structure existing at the time of the enactment of the ordinance comprising this Zoning Code may be continued, even though such building or structure may not conform with the provisions of this Zoning Code for the district in which such building or structure is located.

(Ord. 1069-94. Passed 4-28-94.)

1191.02 NONCONFORMING USE OF LAND.

(a) No extension, substitution, relocation, enlargement or alteration shall be made on a tract, site or parcel of land where a nonconforming use is maintained, unless the extension, substitution, relocation, enlargement or alteration is in full compliance with all the provisions of this Zoning Code.

(b) The removal of earth for the purpose of enlarging or extending a nonconforming use, gravel pit or quarry; and the extension or enlargement of any nonconforming use, gravel pit, excavation or quarry; and the extension or enlargement of any nonconforming use, structure or building for the processing, treating or refining of gravel or other material deposits, when located in or within 200 feet of any R-2, R-3, R-4 or B-1 District, is hereby declared and determined to be detrimental to the health, morals, safety and general welfare of the City, and shall not be permitted.

(c) If a nonconforming use of land is discontinued for two (2) years or more, any further use thereof shall be in conformity with all the provisions of this Zoning Code.

(Ord. 1069-94. Passed 4-28-94.)

1191.03 NONCONFORMING USE OF BUILDING.

(a) Where no structural alterations are made in any building containing a nonconforming use, such use may be changed to one of a similar or higher classification, but no building in which a nonconforming use has been changed to a more restricted use shall be devoted to a less restricted use.

(b) The lawful use of a building at the time of the enactment of this Zoning Code, although the use of such building does not conform to the provisions of this Zoning Code, may be extended throughout the building provided no structural alterations are made except those required by law and provided it is permitted by the Board of Zoning Appeals.

(c) No non-conforming use may be re-established in any building where such nonconforming use has been discontinued for a period of two (2) years.

(Ord. 1069-94. Passed 4-28-94; Ord. 1587-05. Passed 7-14-05.)

CHAPTER 1153

B-2 General Business District

1153.01 Purpose.

1153.02 Uses.

1153.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1153.01 PURPOSE.

The B-2 General Business District is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This District is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a neighborhood commercial district development.

(Ord. 1203-97. Passed 7-10-97.)

1153.02 USES.

(a) Permitted Uses.

- (1) All permitted uses as provided within the B-1 Neighborhood Business District.
- (2) Department stores;
- (3) Establishments engaged in the retail trade of: drugs, book and stationery stores, apparel stores, jewelry stores, optical goods stores, furniture, home furnishings, cameras-photo supplies, hardware, hobby shops, music, musical instruments, pet sales and supplies, radio and television sales and service, sporting goods, newsstands and similar retail activities, bakery shops, dry cleaning and laundry pick-up station, laundromats, etc.;
- (4) Office equipment and office supply stores;
- (5) Establishments engaged primarily in the fields of finance, insurance and real estate such as banks, credit agencies, investment firms, real estate and insurance offices;
- (6) Miscellaneous business services such as advertising, news syndicates, employment agencies, travel bureaus and ticket offices;
- (7) Engineering and architectural services, legal services, accounting, auditing and bookkeeping services;
- (8) Nonprofit, professional, service, charitable and labor organizations;
- (9) Business schools or private schools operated for a profit;
- (10) Theaters, not including drive-ins;
- (11) Restaurants, including drive-in or fast food;
- (12) Post office and governmental office buildings;
- (13) Automobile service stations;
- (14) Auto and truck rental; new and used car, truck, bicycle or motorcycle sales and services; boat and marine equipment sales, rental and service; trailer sales and rentals; tire sales and repair;
- (15) Cultural institutions including public libraries, public art galleries and public museums;
- (16) Bowling alleys, indoor skating rinks and similar recreational uses;
- (17) Building supplies, garden supplies; commercial greenhouses;
- (18) Commercial baseball fields; swimming pools; golf driving ranges, or similar open air recreational uses and facilities;
- (19) Carpenter, sheet metal and sign painting shops;
- (20) Medical and dental offices, clinics, health centers and hospitals;
- (21) Wholesale sales, warehouses and distribution firms; and

(Ord. 1203-97. Passed 7-10-97.)

- (22) Retail tobacco stores, provided that such stores are located in freestanding structures, and including:

A. Smoking establishments provided that:

1. The parcel on which a smoking establishment is to be located is more than 125 feet from any parcel in a residential district, and
2. Access to the smoking establishment is restricted to persons eighteen years of age or older.

- (23) Accessory buildings and uses incidental to the principal use and as regulated in the B-1 District, except of a type which is prohibited in the M-1 District as a principal use. (Ord. 1901-14. Passed 1-8-15.)

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117. (Ord. 1203-97. Passed 7-10-97.)

- (1) Sexually oriented businesses, as defined in Chapter 1115;

(Ord. 1538-04. Passed 7-22-04.)

- (2) Animal hospitals and/or indoor kennels;

(Ord. 1790-11. Passed 1-27-11.)

- (3) Body Shop;

- (4) Manufactured/mobile home parks;

- (5) Night clubs, discotheques, etc;

- (6) Temporary and/or outdoor sales of plants and garden supplies; and

- (7) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as

1153.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirement.

- (1) Minimum lot area 10,000 square feet
- (2) Minimum lot frontage 80 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwelling: Same as permitted in R-4 District.
- B. Other Permitted Uses: 40 feet

(3) Minimum side yard width.

- A. Dwelling: Same as permitted in R-4 District.
- B. Other Permitted Uses:

None except adjacent to an R District in which case not less than 20 feet.

(c) Structural Requirements.

- (1) Maximum building height 40 feet (3 stories)

(d) Parking and Loading Requirements.

- (1) See Chapter 1187 for off-street parking and loading requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

(f) Supplementary Regulations.

- (1) A request to rezone land to B-2 General Business District shall be substantiated with evidence that:

- A. Such a use shall not conflict with the intended function of a major street to carry traffic; and
- B. That the capacity of the street(s) shall not be materially reduced by the additional commercial facilities.

Where necessary to achieve these conditions, the developer may be requested to provide special thoroughfare improvements such as dedication of right-of-way and/or easement.

- (2) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies when approved as special uses, shall be stored within a completely enclosed building. Open storage may be permitted if located behind the principal structure and if visually screened from the street and adjacent properties by a landscaped screen, fence or wall as defined in Chapter 1185.

(g) See Chapter 1185 for additional provisions for commercial facilities.

(h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.

* The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan.

(Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1151

B-1 Neighborhood Business District

1151.01 Purpose.

1151.02 Uses.

1151.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1151.01 PURPOSE.

The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents. (Ord. 1203-97. Passed 7-10-97.)

1151.02 USES.

(a) Permitted Uses.

- (1) Minor B-1 District which is entirely surrounded by R Districts and which district, including the streets, contains less than five acres.
 - A. Any use permitted and as regulated in the R-4 District;
 - B. Retail sales and services including any local convenience retail and for service uses including: grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware and paint stores, barber and beauty shops, dry cleaning and laundry pickup stations, laundromats;
 - C. Business and professional offices, supplying commodities or performing services primarily for residents of the neighborhood;
 - D. Restaurant, cafe, not including dancing or live entertainment;
 - E. Automobile service station, minor repair and storage garages; and
 - F. Commercial parking lots for passenger vehicles except as otherwise provided in the Zoning Code;
 - G. Accessory building incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.
- (2) Major B-1 District. The following uses are allowed, provided no such use shall be permitted in a minor B-1 District.
 - A. Any local retail business or service establishment such as an electrical appliance shop, plumbing and heating shop, printing shop, furniture shop, interior decorating shop, and upholstery shop including automobile, boat and like upholstery;
 - B. Theaters, not including drive-ins;
 - C. Hotel; and
 - D. Garage for general automobile repair; but not including major body and fender work, overall painting and steam cleaning;
 - E. Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1151.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirements.

- (1) Minimum lot area 5,000 square feet
- (2) Minimum lot frontage 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet

(3) Minimum side Yard width.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: None required except adjoining any R-District in which case, not less than 10 feet.

(c) Structural Requirements.

- (1) Maximum building height shall be forty (40) feet.
 - (d) Parking and Loading Requirements.
 - (1) See Chapter 1187 for off-street parking and loading requirements.
 - (e) Signs.
 - (1) See Chapter 1189 for size and location of permitted signs.
 - (f) Supplementary Regulations.
 - (1) All permitted businesses, services or processing shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and loading.
 - (2) Within a major B-1 District all principal permitted buildings shall be located at least fifty (50) feet from any lot in any R District.
 - (3) In any B-1 District fronting directly across the street from any R-2 or R-3 District, the parking and loading facilities shall be distant at least twenty- five (25) feet from the established right-of-way line, and the buildings or the structures at least seventy-five (75) feet from the established right of way.
 - (4) Goods shall consist primarily of new merchandise.
 - (5) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
 - (g) See Chapter 1185 for additional provisions for commercial facilities.
 - (h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.
- *The front yard depth shall be measured from the established right-of-way line as shown on the Official Thoroughfare Plan.
- (Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1137

R-2 Single-Family Residence District

1137.01 Purpose.

1137.02 Uses.

1137.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1137.01 PURPOSE.

The R-2 Single-Family Residence District is provided to accommodate single family residential development of a moderately low density character within areas of similar development and within areas of similar physical character generally located within the peripheral areas of the City. (Ord. 1203-97. Passed 7-10-97.)

1137.02 USES.

(a) Permitted Uses.

- (1) Single-family dwellings;
- (2) Nursery schools and child care centers are permitted accessory uses when located not less than twenty (20) feet from any other lot in any R District; provided there is established and maintained in connection therewith, a completely fenced and screened play lot; and
- (3) All permitted and accessory uses as provided within the A-1 District, but not including animal and poultry husbandry on any lands used or platted for residential purposes. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)
- (2) Cemeteries. (Ord. 1802-11. Passed 5-26-11.)

1137.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

(1) Minimum lot area

- A. 1 and 1 1/2 stories 7,500 square feet
- B. 2 and 2 1/2 stories 7,500 square feet

(2) Minimum lot area per family

- A. 1 and 1 1/2 stories 7,500 square feet
- B. 2 and 2 1/2 stories 7,500 square feet

(3) Minimum lot frontage

- A. 1 and 1 1/2 stories 60 feet
- B. 2 and 2 1/2 stories 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth

- A. 1 and 1 1/2 stories 25 feet*
- B. 2 and 2 1/2 stories 25 feet*

(2) Minimum rear yard depth

- A. 1 and 1 1/2 stories 40 feet
- B. 2 and 2 1/2 stories 40 feet

(3) Minimum side yard least width

- A. 1 and 1 1/2 stories 8 feet
- B. 2 and 2 1/2 stories 10 feet

(4) Minimum side yard sum of least width

- A. 1 and 1 1/2 stories 20 feet
- B. 2 and 2 1/2 stories 25 feet

(Ord. 1203-97. Passed 7-10-97; Ord. 1587-05. Passed 7-14-05.)

(c) Structural Requirements.

- (1) Maximum building height 30 feet
- (2) Maximum 2 1/2 story structure

(d) Parking Requirements.

- (1) See Chapter 1187 for off-street parking and loading space requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

*The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan. (Ord. 1203-97. Passed 7-10-97.)

Building Permit

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Showing 1-8 of 8

☐ Record #	Assigned Staff	Status	Record Type	Application Name	Opened Date	Street #	Dir	Street Name	Type	Unit #	First Name	Last Name	Business Name
☐ BLD24-00188	Charles B Corp...	Withdrawn	Residential Alteration	CHANGE OF USE FROM B TO R1, RENOVATIONS	10/11/2024	3305		MAIN	ST		RICHARD	DRAKE	
☐ ZON24-00079	Nicholas Sorice	Withdrawn	Residential Zoning	REMOVE/REPLACE SECTION OF PRIVACY FENCE (COMMERCIAL PROPERTY)	05/22/2024	3305		MAIN	ST		LATASHA	RICHARDSON	
☐ ELE18-00027	TWENZLER	Meter Released	Commercial Electrical	ELECTRIC RECONNECT	02/19/2018	3305		MAIN	ST		HOLLY	BERRY	
☐ 2012002-Z		Finald	Commercial New	MORAIN SMOKE SHOP	10/31/2011	3305		MAIN	ST				
☐ 2011041-S		Finald	Commercial New	WALL SIGN	10/20/2011	3305		MAIN	ST				SELF
☐ 1511-S		Finald	Commercial New	M&H LAUNDRY TEMP SIG	05/10/2004	3305		MAIN	ST				MAC ADVERTISING
☐ 2008-B		Finald	Commercial Alteration	LAUNDRY MAT	05/02/2003	3305		MAIN	ST				
☐ 2435-S		Finald	Commercial New	PIZZA SHOP-OCCUPANCY	01/15/2002	3305		MAIN	ST				

VIOLATION WARNING NOTICE

Case File No.: ENF-2016-00097
Inspection Date: 06/21/2016
Property Location: 3305 MAIN ST. MORaine, OH 45439
Lot No.: 2152

Owner Name: LAGOS PROPERTIES
Owner Address: 750 SHINE RD. SPRINGFIELD, OH 45504-

Subject: The property located at **3305 MAIN ST.**
is in violation of the City of Moraine Codified Ordinances **Chapter 1123.03 ZONING**
CERTIFICATE REQUIRED

Explanation: Second hand shop has opened at this location with no certificate of occupancy or required
secondhand shop permit. Both permits must be obtained and approved by 07/05/2016 or owner will
be sent to Mayor's Court

1123.03(a) Zoning Certificate Required. No owner shall use or permit the use of any building or land or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the Zoning Inspector. The zoning certificate shall show that such building or premises or a part thereof and the proposed use thereof, are in conformity with the provisions of this Zoning Code. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended Use conform to the provisions of this Zoning Code.

1123.99 Penalty. Except as otherwise provided, whoever locates, erects, constructs, reconstructs, enlarges, changes, maintains or uses any building or land in violation of any provision of this Zoning Code, or any amendment or supplement thereto, shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day's violation shall be considered a separate offense.

Any questions regarding this notice, contact our office at 937-535-1030



Anthony B. Wenzler, Building & Zoning Administrator

You have the right to appeal any decision of the Administrative Officer. Moraine Codified Ordinances 1125.04 Appeals Procedure. Such appeal shall be taken within ten days from the date of service of this order by filing with the Zoning Inspector, and with the Board of Zoning Appeals (4200 Dryden Rd. Moraine, Ohio 45439). The Zoning Inspector shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The City of Moraine
progress through unity

COMMERCIAL CERTIFICATE OF OCCUPANCY

Application #: 9703
Site Address: 3305 MAIN ST.
MORaine, OH 45439-

City Lot #: 2152
Current Zoning: R-2
Tenant: MORaine SMOKE SHOP
Approved As: Pre-Existing Condition (No Change)

Permit #: 2012002-Z
Owner: LAGOS PROPERTIES
750 SHINE RD.
SPRINGFIELD, OH 45504-

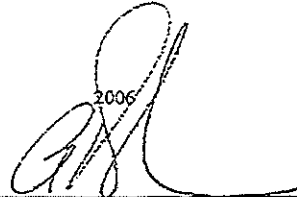
This certificate represents an approval that is valid only when said building and its facilities are used as stated and is conditional upon all building systems being maintained and tested in accordance with the applicable Ohio Board of Building Standards rules and applicable equipment or system schedules. This certifies conformance with Chapters 3781 and 3791 of the Ohio Revised Code and the applicable provisions of the rules of the Ohio Board of Building Standards.

Certificate of Occupancy Date: 10/31/2011
Occupancy Type: FINAL
Occupancy Description: MERCHANTILE
Use Group: M
Occupancy Load: 5
Type of Construction: V-B
Code Book: OBC

Sprinkler Required: N
Sprinkler Provided: N
System Demand: 0

Code Book Edition: 2006

This certificate, unless revoked, shall be in effect from and after 10/31/2011.


Anthony B. Wenzler, Building & Zoning Administrator
State of Ohio, City of Moraine, Certified Building Department

The Building & Zoning Department must be notified of any changes or alterations of the building or its use of premises, made after issuance of this Certificate.

Building & Zoning ~ 4200 Dryden Road, Moraine, Ohio 45439-1495 ~ Phone (937) 535-1030 ~ Fax (937) 535-1284



City of Moraine
Office of Community Development
Building & Zoning Department
4200 Dryden Rd. Moraine, Ohio 45439
P-937-535-1030 F-937-535-1284
www.ci.moraine.oh.us

***** **CERTIFICATE OF OCCUPANCY** *****
Office of the Building Official

BUSSINESS: M&H Laundry

BUILDING PERMIT NO. 2609-B

BUILDING ADDRESS: 3305 MAIN ST.
MORaine,OH 45439-
LOT #2152

APPROVED AS: Alteration

This certificate represents an approval that is valid only when building and its facilities are used as stated and is conditional upon all building systems being maintained and tested in accordance with the applicable Ohio Board of Building Standards rules and applicable equipment or system schedules.

This certifies conformance with Chapters 3781 and 3791 of The Revised Code and the applicable provisions of the rules of the Ohio Board of Building Standards.

TYPE OF CONSTRUCTION: existing

USE GROUPS: B

OCCUPANCY DESCRIPTION:

SPRINKLER REQUIRED: N

SPRINKLER PROVIDED: N

SYSTEM DEMAND @ BASE OF RISER: 0

STANDPIPE SYSTEM DEMAND @ BASE OF RISER:

Hazard Classification:

Storage Height:

Aisle Width:

Special conditions are:

This Certificate, unless revoked, shall be in effect from and after this date.
Date issued: 5/7/2004

Building and Zoning Official

State of Ohio - City of Moraine
Certified Building Department

The Building Official, SHALL be notified of any changes or alterations of the building or its USE of premises, made after issuance of this Certificate.



ALTERNATE FUTURE LAND USE - AREA ONE

City of Moraine Comprehensive Plan





Technical Review Committee

Michael Davis, City Manager
Nick Sorice, City Planner
Doug Hatcher, Fire Inspector
Lauren Alvarado, City Engineer
Brent Carpenter, Building & Zoning Administrator
Beth Waters, Community Development Secretary

Planning Commission R-02-2025 Staff Report

Applicant: Omar Shaker
Location: 3305 Main Street
Lot Number: 2152
Current Zoning District: R-2
Proposed Zoning District: B-2

Description: The applicant, Omar Shaker, is applying for a Zoning District Change for the 3305 Main Street Property from R-2 to B-2. This is a property in which the structure has not held a form of business or usage within the property for more than 2 years. We are having this Planning Commission Meeting due to this discontinuation.

In the Moraine Codified Ordinances, Chapter 1191.02 Section C, it reads:

(c) If a nonconforming use of land is discontinued for two (2) years or more, any further use thereof shall be in conformity with all the provisions of this Zoning Code.
(Ord. 1069-94. Passed 4-28-94.)

On the Zoning District Change application from Omar Shaker, you can see that tobacco sales are listed as the proposed use. In the Moraine Codified Ordinances, Planning & Zoning Code, B-2 General Business District, Letter A Permitted Uses, Number 22,
(22) Retail tobacco stores

This formality will be brought before the Planning Commission prior to a 30-day legal notice for a public hearing brought before City Council. All legal notices were issued per Moraine Codified Ordinances Chapter 1127.

The Technical Review Committee reviewed this application on July 3, 2025. The technical review committee wanted to provide information regarding the property. The structure at 3305 Main Street was constructed in 1945 and consists of 416 square feet. This was constructed prior to Moraine being incorporated as a City in 1965 and prior to the establishment of the Zoning Map, and Planning & Zoning Code. It also has always been a commercial use from our review. I

attached records in your packets regarding the usages/permits we have had on the building in our software. As this holds a historical record of commercial use, it is something to consider with this rezoning. However, we must abide by the Planning & Zoning Code of a B-2 Zoning District for the Land Use of 3305 Main Street for Tobacco Sales to take place. There are also many other uses within the B-2 use group that are listed in your packets.

On a side note:

The current Certificate of Occupancy is Mercantile (M), which came from a 2011 Certificate of Occupancy that was approved as a pre-existing condition. The Certificate of Occupancy remains with the building and is still active. Tobacco Sales are permitted under a Mercantile (M) Use Group from the Ohio Building Code.

If there are any questions regarding the Technical Review Committee's report after our review of this zoning district change proposal, please feel free to ask at this time.

Thank you,

A handwritten signature in cursive script that reads "Nick Sorice".

Nick Sorice
City Planner