



Planning Commission ~Agenda~

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

Clerk of Council
937-535-1005

October 21, 2025

6:00 PM

- I. Call to Order**
- II. Approval of Minutes**
 - A. Planning Commission Meeting Minutes - September 16, 2025
- III. Business**
 - A. S-04-2025: Lot Combination of Moraine City Lot Numbers 5190 and 5191
- IV. Other Business**
- V. Adjournment**

RECORD OF PROCEEDINGS

Minutes of Planning Commission

Held September 16, 2025

Call to Order

Meeting called to order at 6:01 PM.

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

Staff Members Present: City Planner Nick Sorice, Clerk of Council Karen Powell

Mr. Watts moved to excuse the absence of Mr. Stapleton; Mrs. Delph seconded the motion.

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

Approval of Minutes

Planning Commission Meeting Minutes - September 2, 2025

Mr. Howard asked if there were any changes or corrections to the September 2, 2025, Planning Commission meeting minutes. Hearing none, the minutes were approved as submitted.

Business

Public Hearing

Ms. Powell administered the Oath to those in attendance wishing to speak during the Public Hearing.

R-04-2025 - 6869 Germantown Pike: Zoning District Change Request from R-2 to B-1

Mr. Howard opened the Public Hearing at 6:02 PM.

Staff Report

Mr. Sorice reported a Technical Review Committee meeting was held on August 27, 2025. He stated Mr. Jeffrey Hamilton of 6869 Germantown Pike is requesting a Zoning District change from R-2 (single-family residential) to B-1 (neighborhood business district). He said located on that property is a single family dwelling of 1,960 square feet and an auxiliary building/pole barn of 2,480 square feet. He noted on the Zoning map there are B-1 districts to the southwest of Germantown Pike as well as additional B-1 districts on South Union Road, which is where Ellerton Cemetery and two church properties are located. He remarked that on the Comprehensive Plan for future land use at that parcel, it does indicate that parcel as a single family detached dwelling which would be equal to an R-2 district. He read a letter he received from Ms. Laura Berry in opposition to the Zoning District change.

Mr. Jeffrey Hamilton said he submitted the application for the Zoning District change, and he made the same application twenty years ago which was disapproved by the City of Moraine. He

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said last month Gary Garrison made a similar application for his property at 6844 Germantown Pike. He said during that time and twenty years ago, he looked at the Zoning map and the Comprehensive Plan. He stated there were discrepancies twenty years ago regarding spot zoning, and there are questionable rezoning plans in the same area. He said everyone asks why he wants to rezone this property and what is he going to do? He said he wants the option to have the flexibility and an opportunity to have the property rezoned. He said he wants to be in the discussion and make sure of any processes the City uses to rezone Moraine in the future. He said he is not trying to do anything other than highlight a few things. Mr. Hamilton reviewed slides of the future use map and current Zoning map. He said there are a lot of color changes and at least 15 to 20 changes proposed on the Comprehensive Plan, and every one is a downgrade. He said there is one upgraded property, 6672 Germantown Pike, which is adjacent to Mr. Garrison's property and close to his property, and that 20 acres is proposed to be zoned for business in the future. He asked why is that area proposed to be zoned as B-1? He asked who approved 6672 to be rezoned to B-1? He said he met with Mr. Sorice and Mr. Carpenter several times, and he still does not know what the process would be to make a change to the Comprehensive map.

Mr. Sorice explained the Comprehensive Plan was reviewed in open meetings and ad hoc meetings in 2022-2023. He said those who made the decisions were residents, West Carrollton school members, and an Open House was also held. He said all documents are available online and open to the public. He said the Comprehensive Plan serves as a guiding document for the City.

Mr. Hamilton said he assumes the City is going to disapprove every zoning change if it is not on the Comprehensive map. He proposed the map be changed to add his and Mr. Garrison's property as zoned for business.

Mr. Sorice replied that recently two requested rezoning changes were approved through Planning Commission and City Council, one in 2024 and one in 2025.

Mr. Watts asked Mr. Hamilton to discuss his rezoning and what he wants to do with the property and not the Comprehensive Plan future zoning regarding 6672 Germantown Pike.

Mr. Hamilton said he wants the City to consider that area to be a focus area, to do something about traffic improvements, to answer his questions about 6672 Germantown Pike, and to clarify to him and Mr. Garrison how to get their properties on the Comprehensive Plan as B-1. He said he would like to see some beautification in those areas also.

Opponents/Proponents

Those who spoke in opposition to the Zoning District Change were: Mary Getter, 6869 Germantown Pike; Besy Rainbolt, 6879 Germantown Pike; Mike McLaughlin, 6025 Germantown Pike; Doris Fisher, 6919 Germantown Pike; Kris Schneider, 7230 Dayton-Germantown Pike; Steve Hindi, 3705 Trail On; Angela Boehringer, 4363 South Union Road; Ron Boehringer, 4417 South Union Road; Brett Scott, 6879 Germantown Pike; Kathy Walkup King, 4488 South Union Road; Timothy Sotar, 5695 South Union Road; Ernestine Byrne by Kathy Walkup King, 4488 South Union Road; and Mr. James Kempe, 6974 Germantown Pike. Mr. O.L. Garrison, 6844 Germantown Pike, spoke in favor of the Zoning District Change.

Mr. Howard closed the Public Hearing at 6:54 PM.

Mr. Watts stated that he has several concerns regarding this application for a Zoning District Change. He said in his thirty years of being on and off the board, he has never approved a zoning request without a proper zoning use. He said he is concerned about Mr. Hamilton not telling the commission what his plan is. He said a number of the opponents to the request have

RECORD OF PROCEEDINGS

Minutes of Planning Commission

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expressed the same concern.

Mr. Hamilton said he has no plan to put together. He said his application to be rezoned is going to be turned down no matter what he does. He stated he is trying to get the answer of how to get changes added to the Comprehensive Plan because no request he makes will be approved unless it is in the City's Comprehensive Plan.

Mr. Sorice said the Planning Department has had two Planning Commission cases that did not align with the future land use map, but both cases had a usage, a site plan, and information on what the applicants planned to do with the properties.

Mrs. Delph said what Mr. Hamilton is saying is irrelevant because unless he comes before the board with specifics of what he is going to do regardless of how anything else is zoned, the commission members cannot in good faith vote yes or no until they have Mr. Hamilton's plan.

Mr. Hamilton discussed his integrity. He said he has no plan, and he just wants to have more discussions and find out if there is a way to change the Comprehensive Plan.

Mr. Howard suggested that Mr. Hamilton study 6672 Germantown Pike, find out how that was done, get a plan together, and come back before the commission.

Mr. Noel said he operates on what is in front of him. He said he is a business professor, and he tells his students if you do not have a plan, it is not going to work. He said when you look at the plan, he thinks Mr. Hamilton came in too focused on another matter, and right now from a yes or no perspective, there is no plan.

Mr. Watts moved to deny the request for a Zoning District Change from R-2 to B-1 at 6869 Germantown Pike; Mrs. Delph seconded the motion.

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

Other Business

Mr. Watts said tonight is the second time this neighborhood's residents have come before the Planning Commission with concerns about traffic. He said he would like the Planning Commission to send a request to City Council to have Route 4 through the City of Moraine to mirror the rest of the City of Moraine with a maximum speed of 40 miles per hour. He said a formal request from the Planning Commission to Council and Council forwarding that request to the Ohio Department of Transportation would be advisable.

The residents discussed the traffic and speed limits.

Adjournment

Meeting adjourned at 7:05 PM.

S-04-2025: Lot Combination of Moraine City Lot Numbers 5190 and 5191

Department: Community Development

Request: Action Item

Item Background and Purpose:

The combination of lots 5190 and 5191 to form a new City Lot Number of 5678

Attachments:

1. Reviewed Application
2. S-04-2025 Legal Notice
3. Record Plan
4. S-04-2025 Staff Report



City of Moraine Planning Commission

Application for Subdivision

Revised June 2022

Date Received: 09/30/2025 Application No.: S-04-2025 Fee: \$75 Receipt: _____

Type of Subdivision (Circle One): Preliminary \$200 Flat Fee Final \$2.50 per 1/10th Acre, \$75 Min. Fee **Replat** \$2.50 per 1/10th Acre, \$75 Min. Fee
Total Area: 1.7098 New Total Lots: 1 Minor Subdivision? ☐

General

Name of Subdivision: Wawa Moraine

City Lot Number(s): 5190 & 5191

Street: S Dixie Dr Section: 10 Town: 1 Range: 6

Applicant(s) – Please include additional owners or other applicants of back of application

Name of Owner: Moraine Land Associates, LLC

Address: 3825 Edwards Rd., Ste 200 City: Cincinnati State: Ohio

Contact Phone: 513-366-3531 Email: cabney@anderson-realestate.com

Name of Engineer/Surveyor: Bayer Becker, Inc.

Address: 6900 Tylersville Road City: Mason State: Ohio

Contact Phone: 513-492-9856 Email: thomasedwards@bayerbecker.com

Subdivision Data

Proposed Use: Restaurant and convenience store with fuel sales

Present Zoning Dist.: B-1 Proposed Zoning Change: NA

Deed Restrictions: Yes **No** (Circle one; if Yes, provide copy of current and/or proposed restrictions)

What type of Sanitary Service do you propose? Public

Montgomery County Engineering File Number*: NA, replat.

*All applications for subdivision approval must be filed with the Montgomery County Engineer's Office before being submitted to the Moraine Planning Commission.

A copy of the closure report for the proposed subdivision and a list of any proposed infrastructure improvements (including but not limited to roadways, sanitary utilities, storm sewers, etc.) must be attached to this application prior to its placement on the Planning Commission's calendar.


Applicant Signature

9/19/25
Date



MORaine PLANNING COMMISSION LEGAL NOTICE S-04-2025

The Moraine Planning Commission will be holding a meeting on Tuesday, October 21, 2025, at the Payne Recreation Center, 3800 Main Street, Moraine, OH 45439.

The agenda for this Planning Commission case is a subdivision lot combination of Moraine City Lot Numbers 5190 and 5191. This is to form one (1) new lot, 5678, totaling 1.7098 Acres. This application came from Moraine Land Associates, LLC.

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 pm.

Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling Nick Sorice at 937-535-1037.

Nick Sorice
City Planner

CITY OF MORaine, OHIO
PLANNING COMMISSION

COMMISSION CHAIRPERSON

DATE: _____, 20__

APPROVED BY DIRECTOR OF PUBLIC WORKS

SUPERIOR OF PLATS

DATE: _____, 20__

DATE: _____, 20__

NUMBERS ACCORDING TO THE PLAN OF THE CONSECUTIVE NUMBERS OF LOTS ON THE PLAT OF THE CITY OF MORaine, OHIO HAVE BEEN GIVEN THE LOTS UPON THIS PLAT AND RECORD THEREOF MADE IN VOLUME _____, PAGE _____ OF THE "RECORDS OF LOT NUMBERS ON THE NEW SUBDIVISION" IN THIS OFFICE

CITY ENGINEER
OF THE CITY OF MORaine, OHIO

DESCRIPTION

THE WITHIN PLAT IS A REPLAT OF 1.7098 ACRES AND BEING ALL OF LOTS 5190 & 5191 OF THE CONSECUTIVE NUMBER OF LOTS ON THE PLAT OF THE CITY OF MORaine, OHIO, AKA BRAND AND WOOLEY PLAT, PLAT BOOK 180, PAGE 43 OF THE MONTGOMERY COUNTY RECORDS. SAID LOTS CONVEYED TO MORaine LAND ASSOCIATES, LLC BY I.R. DEED 25-_____ OF THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO.

CONTAINING A TOTAL OF 1.7098 ACRES, OF WHICH 1.7098 ACRES ARE IN LOTS.

DEDICATION

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LAND HEREIN PLATTED, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THIS PLAT TO BE OUR VOLUNTARILY ACT AND DEED AND RESERVE THE EASEMENTS AS SHOWN WITIN THE PLAT TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN WITHIN THE PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER UTILITY LINES OR SERVICES AND FOR THE EXPRESS PRIVILEGES OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES, AND FOR PROVIDING INGRESS TO AND EGRESS FROM THE PREMISES FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

OWNER: MORaine LAND ASSOCIATES, LLC
AN OHIO LIMITED LIABILITY COMPANY

NAME: _____

PRINTED NAME: _____

TITLE: _____

STATE OF OHIO
COUNTY OF: _____

THIS PLAT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025 BY _____, THE _____ OF MORaine LAND ASSOCIATES, LLC, AN OHIO LIMITED LIABILITY COMPANY, ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

LIEN HOLDER: PARK NATIONAL BANK

NAME: _____

PRINTED NAME: _____

OWNER: _____

STATE OF OHIO
COUNTY OF: _____

BE REMEMBERED THAT ON THIS _____ DAY OF _____, 2025, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY CAME PARK NATIONAL BANK, AS REPRESENTED BY _____, ITS _____ WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING INSTRUMENT TO BE HIS/HER VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND YEAR LAST AFORESAID.

NOTARY PUBLIC: _____

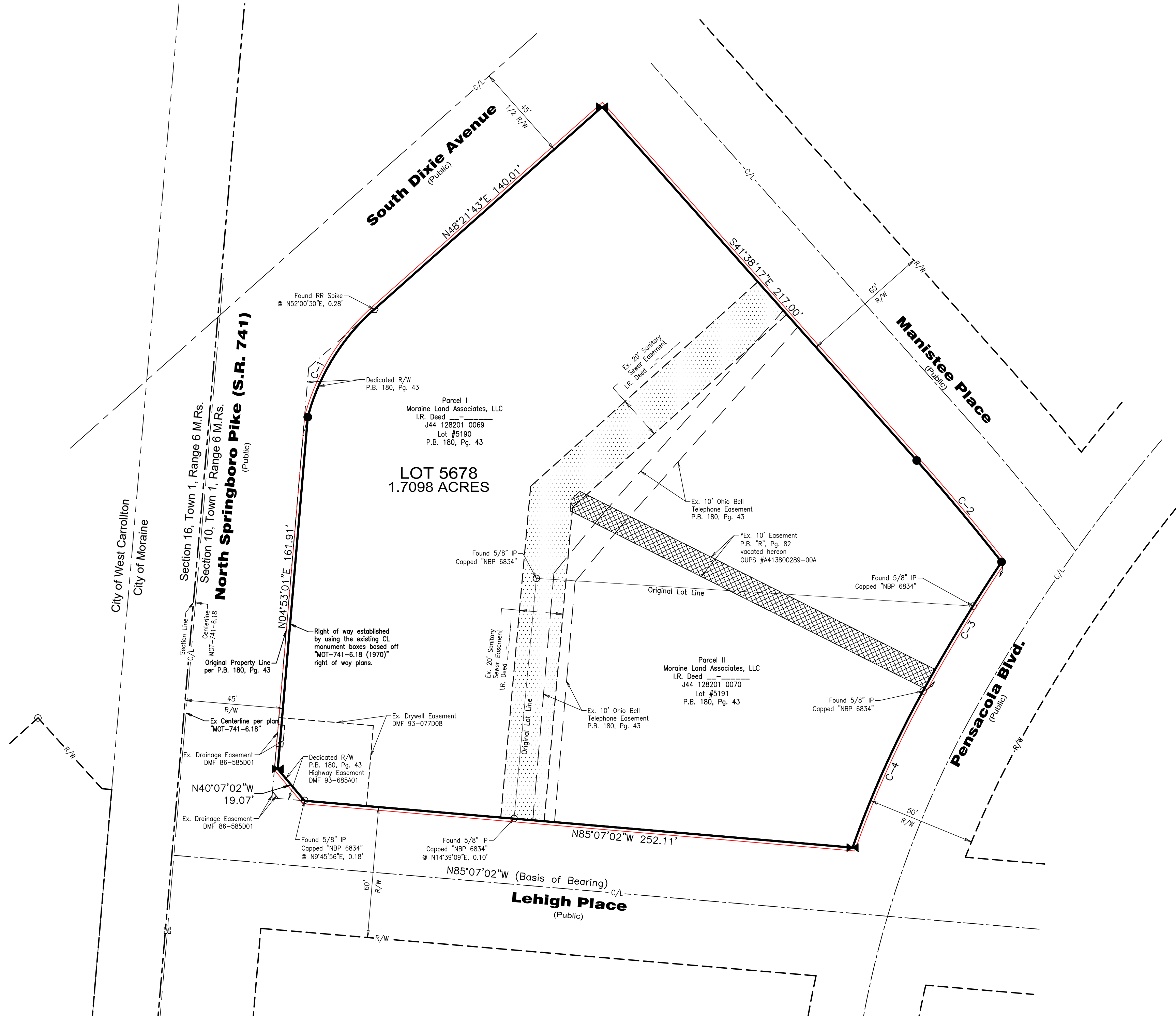
MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATION

I CERTIFY THAT THE BOUNDARY OF THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 AND CONFORMS TO OHIO REVISED CODE CHAPTER 711. ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.

THOMAS M. EDWARDS DATE _____
REG. SURVEYOR #8941 IN THE STATE OF OHIO

RECORD PLAN
MORaine LAND ASSOCIATES, LLC
BEING A REPLAT OF LOTS 5190 & 5191 OF THE CONSECUTIVE NUMBER OF LOTS
ON THE PLAT OF THE CITY OF MORaine
PLAT BOOK 180, PAGE 43
AND THE VACATED ALLEY, ORD. No. 708, 10/17/1951
SECTION 10, TOWN 1, RANGE 6 M.Rs.
CITY OF MORaine
MONTGOMERY COUNTY, OHIO
OCTOBER, 2025
1.7098 ACRES



CURVE TABLE					
Curve	Delta	Radius	Length	Chord	
C-1	33°29'48"	100.28'	58.63'	N31°36'49"E	57.79'
C-2	03°26'01"	1011.51'	60.62'	S39°55'17"E	60.61'
C-3	04°53'55"	810.60'	69.30'	S31°20'21"W	69.28'
C-4	09°21'29"	482.41'	78.79'	S24°12'39"W	78.70'

LEGEND

○ Found 5/8" Iron Pin (cap as noted) ● Set 5/8" Iron Pin (5/8"x30"/10' Cap "Bayer Becker")
○ Found Railroad Spike ✱ Set Cross Notch
⊞ Found Monument Box w/ 1" Iron Pin

R/W - Ex Right of Way

--- Sanitary Sewer Easement

*EASEMENT NOTE
THE 10' EASEMENT AS DELINEATED ON MORaine CENTER AS RECORDED IN P.B. "R", PAGE 82, AS SHOWS, IS BEING TERMINATED AND EXTINGUISHED WITH THIS PLAT AS THE OWNER IS THE OWNER OF ALL PROPERTY WHICH COULD BE BENEFITED OR BURDENED BY SUCH EASEMENTS.

ACREAGE TABLE

NEW LOT # 5678	1.7098 Ac.
TOTAL	1.7098 Ac.

MONTGOMERY COUNTY ENGINEER
APPROVED FOR DESCRIPTION

DATE _____, 2025 JOB# 2025-0286RE

ANDREW J. SHAHAN, P.E., P.S., OR AUTHORIZED REPRESENTATIVE

CHECKED BY _____ DATE _____



VICINITY MAP
n.l.s.

OWNER
MORaine LAND ASSOCIATES, LLC
3825 EDWARDS ROAD, SUITE 200
CINCINNATI, OH 45209

SURVEYOR
BAYER BECKER
6900 TYLERSVILLE ROAD, SUITE A
MASON, OH 45040
513-336-6600

SURVEY NOTES:

- BASIS OF BEARING: STATE PLANE NAD83 (2011) GPS OBSERVATIONS, OHIO SOUTH ZONE 3402, N85°07'02" W (CENTERLINE OF LEHIGH PLACE)
- DEED REFERENCE: AS SHOWN
- DOCUMENTS USED AS SHOWN AND NOTED
- MONUMENTATION IS IN GOOD CONDITION UNLESS OTHERWISE SHOWN
- LINE OF OCCUPATION, WHEREVER THEY EXIST, GENERALLY AGREE WITH THE BOUNDARY LINES EXCEPT AS SHOWN.
- THE BOUNDARY OF THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 AND CONFORMS TO THE OHIO REVISED CODE CHAPTER 711. ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.
- THE SUPERIMPOSED AREA OF THE LANDS OF THE DEDICATORS OF THIS PLAT IS DRAWN HEREIN.

North Arrow

Basis of Bearing:
NAD83 (2011) N 85°07'02" W

0 30 45

SCALE: 1" = 30'

Item	Date	Chk:	Revision Description
1	08-30-25	PAH	REVISIONS FROM COUNTY COMMENTS
1	10-01-25	PAH	REVISIONS FROM DEVELOPER COMMENTS

MORaine LAND ASSOCIATES, LLC

BEING A REPLAT OF LOTS 5190 & 5191 OF THE CONSECUTIVE NUMBER OF LOTS ON THE PLAT OF THE CITY OF MORaine & VACATED ALLEY, ORD. #708, 10/17/1951 SECTION 10, TOWN 1, RANGE 6 M.Rs. CITY OF MORaine, MONTGOMERY COUNTY, OHIO

PREPARED BY:

bayer becker

www.bayerbecker.com
6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600

Drawing: 24-0138 RR

Drawn by: PAH

Checked by: TME

Issue Date: 9-16-25

Sheet:

1/1



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 S-04-2025 Staff Report

Applicant: Moraine Land Associates, LLC
Location: 4830 S. Dixie Drive and 2705 Lehigh Place
Lot Numbers: 5190 and 5191
Current Zoning District: B-1

Description: The applicant, Moraine Land Associates LLC, is applying to replat Moraine Lot Number 5190 and 5191 to form a new Moraine Lot Number of 5678. This will total 1.7098 Acres in size after the combination.

This is a formality of lot combination for the construction of a new convenience store and fueling station, Wawa, as construction cannot occur across lot lines. Lot Numbers 5190 and 5191 are zoned as B-1.

The Technical Review Committee does not have any objections to the proposed Lot Combination.

Nick Sorice
City Planner

Brent Carpenter
Building & Zoning Administrator (Acting City Planner)