

RECORD OF PROCEEDINGS

Minutes of Planning Commission

Held March 19, 2026

Call to Order

Meeting called to order at 6:00 PM.

Jacqueline Long was sworn in prior to the beginning of the meeting.

Kevin Howard	Chair	Present
Stephen Noel	Vice Chair	Present
Tom Watts	Member	Present
Gina Delph	Member	Absent
Jacqueline Long	Member	Present

Staff Present: City Planner Nick Sorice; Building and Zoning Administrator Brent Carpenter; Clerk of Council Karen Powell

Mr. Watts moved to excuse Mrs. Delph's absence; Mr. Noel seconded the motion.

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

Nomination of Officers

Mr. Howard stated as this is the first meeting of the year, officer nominations are needed.

Mr. Watts nominated Mr. Howard to serve as Chair of the Planning Commisison; Mr. Noel seconded the motion.

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

Mr. Watts nominated Mr. Noel as Vice Chair of the Planning Commission; Mrs. Long seconded the motion.

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

Approval of Minutes

Planning Commission Meeting Minutes - October 21, 2025

Mr. Howard asked if there were any changes or corrections to the October 21, 2025, Planning Commission meeting minutes. Hearing none, the minutes were approved as submitted.

Public Hearing - Case No. R-01-2026: Zoning District Change of City Lots 2157, 2158, 5057, and 5275 from R-2 to B-1

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Mr. Watts recused himself from the Public Hearing.

Mr. Howard opened the Public Hearing at 6:03 PM.

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

Staff Report

Mr. Sorice said all legal notices for this hearing were issued per Moraine Codified Ordinances Chapter 1127. He reported that the applicant, Arjeet Singh, is applying for a zoning district change for the four remaining residential lots at the premises of 3351 Main Street, Moraine, Ohio, from R-2, which is a single family residential district to B-1, which is a neighborhood business district. He noted that the lots brought before the Planning Commission are Lots 2157, 2158, 5057, and 5275. He said the property encompasses nine total lots, with five lots zoned B-1 which contain the existing structure on the property. He said the current R-2 lots are comprised of 0.3903 acres of the 1.1029 acre property. Mr. Sorice said the proposed use for the zoning district change is for the addition of a gas canopy on the east side with three double-sided pumps. He said the architect, Mr. Craig Dillon of AIA Architects, informed the Planning Department that the station would be a Marathon franchise with fuel choices of unleaded, premium, and diesel. He noted that the proposed hours of operation are 5:00 AM to 12:00 AM.

He said there are two preliminary site plans in that packet that show a rough idea of what the applicant proposes if the zoning change is approved. Mr. Sorice said Site Plan Option 1 includes variances if the Zoning District Change were to be approved, and Site Plan Option 2 indicates what the layout would be if there were no variances if the zoning district change were to be approved. He said this is per the B1 District requirements. He discussed the required setbacks.

Mr. Sorice informed the board that the Technical Review Committee met on March 11, 2026, to review the application and documentation. He said the committee agreed that Site Plan Option 1 provides a better flow for traffic and larger vehicles to maneuver with the canopy as the current structure will continue to house a drive-through inside. He noted that it was mentioned that parking spots 1-10 on Option 1 may be an issue if a variance is allowed for the Main Street entrance to remain. He said the reason the Main Street entrance would be closed is due to the new use that would be added to the property. He noted, per Moraine Codified Ordinances (MCO) 1185.17(a), since the entrance is within 200 feet of the First Baptist Church property, there cannot be an entrance to a fueling station on the same side of the road. He explained that the parking spots in front of the entrance would not allow enough clearance if a larger vehicle or public safety vehicle had to maneuver within that area, and a buffer will need to be included as well with the residential zoned church property as it is an institutional use per the MCO. He said the Site Plans are only preliminary ideas and can change as they are contingent upon the zoning district change case. Mr. Sorice reported that if the zoning district change were approved by the Planning Commission and City Council, a lot combination will be required as construction cannot occur across lot lines.

Opponents / Proponents

Mr. Howard invited the applicant to provide a report.

Architect Craig Dillon spoke on behalf of the applicants. He stated the intent is to make sure the zoning district change is acceptable to the community before they go any further with plans. He said the plan provided is a preliminary plan to give the commission an idea of changes. He said if the zoning district change is approved, construction of the canopy will begin and the interior and exterior of the convenience store will be renovated, cleaning up the site.

Mr. Howard asked if anyone present would like to speak in favor of the zoning district change.

Seeing none, Mr. Howard asked if anyone present would like to speak in opposition of the

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zoning district change.

Seeing none, Mr. Howard asked if the commission members had any questions for the City Planner or the applicant.

Mr. Howard asked if anyone had talked with the residents to see how they feel about the zoning district change and proposed plans? He said in the case regarding Wawa, residents were concerned about lighting, traffic, and noise. He noted there is a concern with the tanker trucks if the Main Street entrance is blocked off.

Mr. Sorice said the applicant would have to apply for a variance to allow the Main Street entrance to remain.

Mr. Howard asked what updates would be made to the inside and outside of the property?

Mr. Dillon replied that the applicants have not contacted the neighbors. He assured the commission that any additional lighting will be shielded. He said they will make every effort to be a good neighbor.

Mr. Noel asked why there is a five-hour closure time frame. He additionally asked if approved, what is the construction timeline?

Mr. Dillon said if approved, the documentation will begin right away. He noted that the plan submittal process would take approximately six weeks. He said then there would be an approval process. He stated it is the applicants' intention to open as soon as possible.

Mr. Howard confirmed with Mr. Dillon that the drive-through will remain open during and after construction. He asked if any hot food will be offered?

Mr. Dillon said there has been no talk of a menu yet, and that would go through the Montgomery County Health Department.

Mrs. Long said her only concern is the tanker trucks' ability to get in and out of the lot.

Mr. Sorice explained that if approved, a variance will be needed to keep the Main Street access. He did note that the Main Street entrance would allow easier access for tanker trucks. He said that request would go through the Board of Zoning Appeals.

Mr. Noel said there has been discussion in the past about how the lot is funky from a zoning perspective. He asked if the zoning district change would unify the lot.

Mr. Sorice said generally a rezoning happens first so that everything is uniform when the lot combination is requested. He noted that is similar to the case concerning Wawa where the rezoning was approved before combining the lots.

Close Public Hearing

Mr. Howard closed the Public Hearing at 6:18 PM.

Business

Decision - Case No. R-01-2026: Zoning District Change of City Lots 2157, 2158, 5057, and 5275 from R-2 to B-1

The commission discussed pros and cons of the rezoning.

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Mr. Noel said the commission has talked in the past about unifying a lot of the City properties with regard to zoning.

Mr. Howard said his concern is he likes to give the community an opportunity to speak.

Mr. Sorice reported that part of the notification process involves sending letters to residents within a 200-foot radius of the lot lines at 3351 Main Street. He said he received three phone calls which were just inquisitive as to what it meant to rezone the four lots. He said there was no negative feedback. He confirmed for Mr. Noel that 32 letters were sent out regarding the zoning district change.

Mr. Noel moved to approve the zoning district change of City lots 2157, 2158, 5057, and 5275; Mrs. Long seconded the motion.

RESULT: Failed (*Yes 2, No 1, Recused 1*)
MOVER: Stephen Noel
AYES: Stephen Noel, Jacqueline Long
NAYS: Kevin Howard
ABSTAIN: Tom Watts (Recused)

Time Limit Discussion

Mr. Sorice asked to move that discussion to the Roberts Rules of Order and By-laws discussion.

Mr. Sorice explained to the applicant and commission that the case will go before City Council for review. He said it will move forward as an application to deny, and then City Council can approve the denial or overturn the denial.

Roberts Rules of Order and Planning Commission By-laws Review

Mr. Watts rejoined the commission.

Mr. Sorice reviewed the presentation on Roberts Rules of Order and remarked it is a good resource to review. He said there are copies of Roberts Rules of Order available at the dais and from the Clerk of Council. He mentioned that the Sunshine Laws Manual is also available for review online and is a good resource for information. Mr. Sorice reviewed the Planning Commission By-laws. He noted that the by-laws state in a public hearing, a proponent or opponent has a five-minute time limit to speak which can be altered by a vote at a meeting or may be changed by the commission. He noted that in City Council meetings, speakers are allowed three minutes. He suggested that if the commission would like to alter the by-laws to change the time-limit amount or if there is anything else in the by-laws the commission feels needs revision, that can be done by vote.

Mr. Watts asked if the commission could vote tonight to change the speaker time limit to three minutes to be consistent with City Council meetings?

Mr. Sorice replied yes.

Ms. Powell suggested the commission could review the by-laws to see if any other changes are desired, then the by-laws could be revised all at one time. She remarked that since the commission is familiar with the by-laws and if there are no other changes, then the vote regarding the time limit can be taken this evening, and the revisions will be made for approval at the next Planning Commission. She confirmed for the commission that the by-laws may be changed by the commission members and do not need to be approved by Council.

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Mr. Sorice read the passage regarding amendments to the by-laws.

Mr. Watts moved to change the speaker time limit from 5 minutes to 3 minutes in the Planning Commission By-laws in order to be consistent with City Council; Mr. Noel seconded the motion.

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

Other Business

Mr. Watts addressed the commission members and explained that he was asked to recuse himself from the Public Hearing and decision because the church he attends is next door to the proposed gas station. He said whether he was for or against the gas station, it was deemed improper for him to be part of the meeting. He reported that he would like it to be on record that he has been asked to remove himself from the board on two different occasions because of the church. He said his house is 207 feet away from the same property, he did not receive a letter, and he was not asked to recuse himself because of the location of his home. He said his church is on Main Street, and he cannot help that. He said this board is not the final judge when it comes to a topic. He said anything voted on goes to Council for final approval. He noted that Council members are equally close to certain areas of the City that get voted on, and they are not asked to recuse themselves. He stated he is highly disappointed, and he is confused as to why, if he is not the final word, he is asked to leave. He also said that if Mrs. Delph were at the meeting this evening, she would have been asked to leave the room also.

Mr. Sorice informed the board that another zoning district change application was received and will be presented to the board in April. He said the application is for 2955 Springboro West Road. He said the applicant wants to change the zoning from B-1 to B-2. He said the next Planning Commission meeting will be the third Tuesday in April which is April 21, 2026. He reminded the commission that today's applicant will go before City Council for a Public Hearing, and Council can decide whether to overturn the denial.

Adjournment

Meeting adjourned at 6:39 PM.



ATTEST: City Planner, Nick Sorice



ATTEST: Clerk of Council, Karen Powell