

**CITY OF TROTWOOD  
PLANNING COMMISSION  
MEETING MINUTES  
NOVEMBER 12, 2024**

The Trotwood Planning Commission met on Tuesday, November 12, 2024 at 6pm at the Trotwood Community & Cultural Arts Center in the Cultural Arts Suite, 4000 Lake Center Drive, Trotwood, OH 45426.

**PLANNING COMMISSION MEMBERS PRESENT:** Karen Bryant     Christa Wheeler     Ernest Curry

**MEMBERS ABSENT:** Angela Coe     Rap Hankins

**GUESTS:** Fire Chief Rick Haacke, Joseph Moore, John Zappia, Mike Fields

**STAFF:** Sarah Sparks, Esq. Attorney

Tyler Hauck, Planning and Zoning Administrator

Kaitlin Higgins, Administrative Assistant

**CALL TO ORDER AND ROLL CALL**

**APPROVAL OF AGENDA**

Motion to approve the agenda as presented: **K. Bryant, 2<sup>nd</sup> by: C. Wheeler; Vote, YES. ALL in favor. (3-0)**

**APPROVAL OF MINUTES October 22nd, 2024 Regular Meeting Minutes**

Motion to approve the minutes from October 22nd, 2024 by: **K. Bryant, 2<sup>nd</sup> by: C. Wheeler; Vote, YES. ALL in favor. (3-0)**

**PUBLIC COMMENT FOR ITEMS NOT ON AGENDA:** None

**PUBLIC HEARINGS:** None

**UNFINISHED BUSINESS:**

**ZV-2024-21 Zappia Motors**

**E. Curry** introduced the case.

**T. Hauck** stated the case was tabled at the previous meeting due to questions the commission had on safety. He mentioned two updates that he had to present, one being updated photos and the other is a response to the concern the commission had about fire and EMS vehicles being able to successfully enter and exit the site with the additional 5 cars that the applicant is proposing. He stated he asked the applicant to put 5 additional cars on the lot like they wanted them and then the fire department went out and inspected the site, there were no issues found.

**R. Haacke** stated he went up to the location, he drove into the lot and looked around. He said with the 5 additional cars it will not impede the fire department from being able to do their jobs, he said their

vehicles were able to get in there and turn around with no issues. Chief Haacke said there is plenty of room between where the cars are and the building so its not an issue. He mentioned he had driven by another business and realized they had way too many cars and he had to ask them to move a bunch because they couldn't get up against the building. He said then he goes to Zappia and its beautiful. He said Mr. Zappia has plenty of room, its nicely kept, the cars are in a straight line they're not jagged and up against the building they are about 33 feet from the building. He said this is plenty of room for their vehicles to move around.

**T. Hauck** gave his updated staff report presentation (delayed due to technical difficulties). He presented the updated property photos showing the proposed 10 vehicles on the lot. He also showed a photo of the drive entrance, drive isle and employee parking area.

**K. Bryant** asked to see the first slide again. She said based on how the cars are arranged they're arranged by size that's what she sees, her question would be if those were larger vehicles on the end where the corvette is..

**R. Haacke** pointed out a specific photo showing the back end of the vehicles, he stated the Volkswagen in the photo is sticking out further and they are still able to get past it and do everything they're able to do. That Volkswagen is out about 4 feet past that corvette, making that turn is not a problem because there's plenty of room, if he were to put a longer vehicle where that corvette is, or a truck he said they could still make that turn.

**K. Bryant** said she said understands that the second row of cars sits back further.

**R. Haacke** confirmed it does sit back but when they go back into that corner they have to turn around and come back and they're still able to turn around with that Volkswagen being down there, it's not an issue.

**E. Curry** asked staff about the photo that was just put up, one question he has is the customer set up for anyone coming to do business, where is the customer parking?

**T. Hauck** said that would be a better question for the applicant. His guess would be along the back wall, there's probably 4-5 parking spaces that comply with the ordinance 20 feet by 10 feet wide

**E. Curry** said okay and he will reserve another question for Mr. Zappia. He said when this was originally brought before the planning commission the code is specific on auto sales and that was one of the issues they discussed at that time. Will any variation on that, because it is specific in the City code, would that require a change to the code?

**T. Hauck** responded no, at least not at today's meeting. That was already done at the previous meeting. He said the previous meeting the approval was for repair shop and auto sales not to exceed five vehicles. So that change has already been made on this property at the previous meeting. Today, they are asking for a modification of the condition, to change that from five to ten.

**E. Curry** then asked staff, considering the decision was made as a compromise decision and that's how it was approved after several discussions, does that make any difference on the bearing on code. He said that was a compromised decision to not completely deny it but with conditions, it was a conditional approval.

**T. Hauck** replied no.

**S. Sparks** asked E. Curry when he talks about the code is he talking about the actual Codified Ordinances for the SARA.

**E. Curry** said he is talking about the City Code.

**S. Sparks** said the Conditional Use does not change the city code; this applicant has already been granted a conditional use to have these sales and have the cars, that conditional use is specific to the applicant. This is a request to modify their use that is specific to them.

**T. Hauck** said essentially if this property were to be vacant again that conditional use would go away. He stated this wouldn't necessarily change the code for this area or the city, it is this specific property owner at this specific property.

**J. Moore** spoke on behalf of the applicant, he introduced himself as an attorney who works on behalf of Zappia and he is the person who worked on the application. He said he is not going to say much more that what was said last time, he reminded the board of the previous meeting where Mr. Zappia, Mr. Fields and Mr. Bosse spoke. He said he urges the commission to consider granting this, as Mr. Zappia and Mr. Fields told you last time they try to run a real good business and they've been without problems at this site since they've been there. He said they need for the benefit of the business' existence so to speak, to remain going they need to have more display. He said he knows some of the commission members remember that concept from the last time when he was talking. They need more display so they have more cars available to be sold. Mr. Fields and Mr. Zappia will indicate they are a business that works for and has a lot of customers in the community, and he said that's why he would urge the commission to consider granting this because they're a viable entity, a benefit to the citizens, they're a good business citizen for the community.

**K. Higgins** swore in **J. Zappia**.

**E. Curry** asked J. Zappia how has his business model changed, because it was going to be a repair business and that was within code and he was going to have some sales. He asked J. Zappia if it was safe to assume now that he is going to be doing sales and some repair.

**J. Zappia** responded that they just need a little more sales right now, service is doing most of the earnings. He said they just need five more cars to put out there to try and get a little more business. He said the economy has changed, we need to make a little more money so we can pay bills, they just need more cars out there.

**E. Curry** said that was his only question, if his business model has changed, and the answer is yes.

**J. Zappia** said yes.

**E. Curry** asked staff if it is safe to assume based on the pictures and availability of space on that lot, can we put a max on that.

**T. Hauck** said right now if the commission were to approve tonight, you'd be raising that maximum from 5 to 10, he doesn't think there is the option to say they can't come back and maybe ask for 11 or 12 down the road.

**E. Curry** asked, in other words anything else would go through the same process?

**T. Hauck** said yes they would have to come back and do the same process. If they had eleven cars on the lot they could potentially get sited and they could certainly come back and ask.

**E. Curry** said that raises a question and concern, he said if they approve ten and anything over ten they would have to come back under the same conditions, would it not be fair to say if we approved 5 and they wanted to go over 5 on the existing conditions that they would have had to of come back to request 5. If they've doubled that to 10 underneath the existing conditional approval, then would it be safe to say there is proven concern that 10 may not be the max when it was 5 before and its already at 10.

**T. Hauck** confirmed they are only permitted 5 cars right now and that has been true since the first and only case that you've heard of this. He said he believes at one point they had 6 cars out there and they were cited by Code Enforcement for that, they came in and asked about it and that's what prompted them to come back and ask for more. If they do have more they would be sited by code enforcement and they would have to remove the car and stay at 10 or they come back and asked for more. So the approved number has not changed from 5 since the original.

**E. Curry** said based on the evidence and material presented this evening, the picture had 10 cars.

**T. Hauck** clarified that those ten cars were out there at his direction because at the previous meeting there was a question of safety and concern.

**E. Curry** asked if he was showing that as a demonstration.

**T. Hauck** said yes, we had a demonstration where he asked Mr. Zappia to arrange it like he was approved because then the fire department can go and see exactly if there's any issues.

**E. Curry** said that changes the nature of the pictures. He was concerned what would stop them from having more than 10 if they were able to go from 5 to 10.

**T. Hauck** said after they were cited, he believes they removed the additional cars the day of or the day after. He reiterated he specifically told them to put them there.

**E. Curry** asked if there were any other questions or comments from the commission members, he said if not, the chair will entertain a motion.

Motion to approve case ZV-2024-21 made by: **K. Bryant**, 2<sup>nd</sup> by: **C. Wheeler**. Vote, **K. Bryant-NO, C. Wheeler-YES, E. Curry-ABSTAINED. Motion fails, case is denied.**

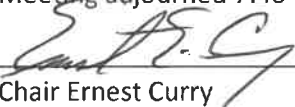
**S. Sparks** stated the motion does not pass because all three present were needed to approve. An abstention would count as a no. The application has not been approved.

### **NEW BUSINESS**

None. **T. Hauck** said after doing more research it was not required to go before the Planning Commission so the applicant has withdrawn the request.

**ADJOURNMENT:** R. Hankins moved to adjourn; C. Wheeler seconded. **VOICE vote; ALL in favor. (4-0).**

Meeting adjourned 7:40 pm.

  
Chair Ernest Curry

  
Admin Assistant Kaitlin Higgins