

**CITY OF TROTWOOD
PLANNING COMMISSION
MEETING MINUTES
OCTOBER 22nd, 2024**

The Trotwood Planning Commission met on Tuesday, October 22nd, 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 Rap Hankins

Angela Coe Christa Wheeler

MEMBERS ABSENT: Ernest Curry

GUESTS: Joseph Moore, John Bosse, 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: T. Hauck recommended changing the order of the agenda by putting new business ahead of unfinished business.

Motion to change the agenda to hear the new business before the unfinished business: **R. Hankins, 2nd** by: **A. Coe**; Voice Vote, **YES. ALL in favor. (4-0)**

APPROVAL OF MINUTES: September 24th, 2024 Regular Meeting Minutes

Motion to approve the minutes from August 27th, 2024 by: **R. Hankins, 2nd** by: **A. Coe**; Roll Call Vote, **YES. ALL in favor. (4-0)**

PUBLIC COMMENT FOR ITEMS NOT ON AGENDA: None

PUBLIC HEARINGS: None

NEW BUSINESS:

- Case ZV-2024-21 Zappia Motors

K. Higgins swore in the speakers.

T. Hauck gave the staff report presentation.

R. Hankins said he was here in 2022 when they heard this question before, that body at the time said 5 cars was the maximum number and 6 would be in violation. If 10 more spots are allowed how does that relate to safety if a fire truck needs to get in there or other vehicle if employee is hurt or is there still enough room?

T. Hauck said to R. Hankins' first point the commission did approve 5 cars and no more and that's why they were sited last month because they had over 5 cars. The ultimate question, is too much being done on this site, is there sufficient space for safety vehicles to operate. Staff recommended denial due to too many things going on and not enough room for parking? We would like to hear from the applicant on answering some of the questions.

K. Bryant said she was also present at previous meeting and she remembers initially discussing applicant having three parking spaces because of safety concerns and size of the lot, then we changed it to 5 to give them the extra opportunity. She asked if anyone was present to speak on the case.

J. Moore asked if T. Hauck could put a photo up of the Mira property.

T. Hauck went to tech support to see about getting this photo up on the screen.

J. Moore introduced himself as well as John Bosse who is a certified public accountant and a business evaluator. He started by referencing the photo depiction of what ten cars would look like on the lot, he heard what the board said about the last time the applicants were here. He reiterated what T. Hauck said that this is the first violation the applicants have had and the applicants can attest they have had no other problems at the lot. He said the applicants have been in the car business collectively, one for 50 years, one for 49 years, they're not selling cars that are not nice cars, in the two and a half years they've been at this location they sell to a lot of citizens and citizens in Trotwood, they have a community-based business. They want to stay here, but they're in a situation where it's the viability of the business is why we are here today, it's not to make them rich or anything like that. The applicants will go more into detail on this, we're talking about keeping the business in business and that's why they're doing this. One of the things you're going to hear tonight is the concept of how important display is. (At this point the property photo of Mira sales was put on the screen.) He just wanted to point out this business and if the commission looks at it, in the grass area there were 13 cars, he said he wanted the commission to look at it as "that must be important to sales." J. Moore also said they think and the Zappia company thinks that display is very important in order to sell vehicles. They will tell you how it operates, how many cars they sell, they will tell you how many cars are in the lot at one time, so he will leave that to them. He said he wanted to point out that they feel they have to be able to display more cars in order to have their business remain viable. Let me tell you a little more about the business a bit, Mr. Zappia and Mike fields will tell you more but Mr. Hauck mentioned a number of employees and parking spaces for employees, he said they only have Mike fields, Johnny Zappia and two mechanics, so there are 4 employees there. Secondly, he said it is important for the board to understand that there are 8 bays there, Mr. Zappia will tell you customers don't come in and drop off vehicles, they have to schedule an appointment to come back and cars do not sit on the lot. They keep the limited area open. In this space we make the most space available, there have been no problems there and we believe its important to have the cars on display to have more sales. He said he would leave it to business owners to discuss how they operate, and he will also have them also tell you how many cars they sell in a week, how many cars are there, how they handle traffic and customers, things like that. I think its important that there have been no accidents in this lot that we know of, there have been no problems getting in and out of this lot, it is right on Salem Bend and there is traffic on there. He then invited Johnny Zappia to the podium to speak.

J. Zappia requested the slide to be brought back up of the over head image of the property. He spoke about the service part of the business. He works by appointment only, so they do not drop their car off and leave it. They look at the car, set an appointment and as soon as it arrives they bring it inside. There are 8 bays, two cars deep so he can fit plenty inside the building. They operate this way for two reasons, to keep the lot clear and clean. Once the car is done, the customer comes to pick up, it leaves the shop and they're done. On the display of the cars out front, its very important that we get more sales, more cars, there are so many models out there, 5 cars are not enough for us. He said they have service but they also need to sell cars, it should be 50/50, right now service is taking care of it. Cars are going up in price, cost is so much to get them we need more inventory to survive. He mentioned his experience with car sales and spoke on why cars should be close together, he said it brings a customer in to say they want to see more of that car so it can be backed out and shown to the customer, he said display is everything. He said the photo shown only showed 8 cars but there were actually 9, if the trucks weren't there he could fit additional cars. He said the bottom line is they need more inventory to make business a little better for them. He said as far as parking spaces for customers, when they get there their car is in the shop its not sitting on the property outside. He stated the shop is immaculate, well taken care of, a very nice piece of property for Trotwood. He said due to the large size of his shop he has no reason to leave customer cars outside. He said that's all he needs is 5 more cars.

A. Coe asked if the mixed business plan changed because she remembers when this came before the BZA before he had acquired the property and at the time she recalled him saying his business is more service and he would go get a car for someone if there was a particular one someone was looking for but it seemed to be that the mix was more service vs sales.

J. Zappia responded that was when they were first going in there, we only had a chance to have 5 cars, his service stays busy. They thought they could survive on 5 cars due to having a lot of service business, but times have changed, the cost of everything has gone up. There's so many makes and models now, someone may want a small SUV that he doesn't have then he has to go find one for them. The cost of living has gone up and he needs the extra income to survive, there have been times he hasn't take a paycheck and service is paying for all of the bills and those aren't cheap, insurance has gone up, the dealer's license has gone up, everything has gone up. He said if they had the extra cars in there it would help them out a lot.

A. Coe asked him when people come to see the cars where do they park?

J. Zappia said there is normally parking in the back, in front of the doors, his parts truck usually sits in the "L" part of the building, but usually the customer pulls up right behind the cars for sale and there's plenty of rooms for them to pull up behind the used cars. They get out and start looking, that's when they're greeted and instructed to park in another spot and ask if they want to take a test drive. There's a lot more room than it looks like, it doesn't get compacted it flows.

R. Hankins asked the applicant how often all 16 bays are full.

J. Zappia responded that the back half is probably full every day, then when we do get busy if we have to wait on parts the car goes forward and then the next car comes in behind it.

R. Hankins said what he is hearing is he has 16 bays, 8 are usually filled, if those are moved forward you could have another 7 so the garage is never totally filled.

J. Zappia said not every often they are 2-deep, but it has happened.

R. Hankins also mentioned something the lawyer said about the importance of being on display, are we talking about taking all 10 cars and putting them together in one space and lining them up, how exactly would you do that?

J. Zappia spoke about his dad's business and displaying the cars, you don't put the same color next to each other, you line them up like soldiers. Normally we won't have 10 cars out there, when you get down to where they're at right now they slant them, if they do have enough cars, they'll be straight and they line them up. He said people driving by think this display looks nice.

R. Hankins said to Johnny, let's say you have 10 cars lined up, the lot is clean and you're safe not going to have a fire but combustible cars combust. So, if you had a fire and had 10 cars lined up, is there enough room in your opinion for a fire truck.

J. Zappia said the fire marshall has been out there and they have added additional fire extinguishers, in case they do have a fire, but yes there is plenty of room. If they want to bring in the ladder truck that parking lot is big enough, the entrance is wide enough.

R. Hankins asked T. Hauck if he has asked the fire chief if he puts 10 cars in there can he get in and out.

T. Hauck said he has not asked the fire chief that, he said he can certainly bring that up to him. Just doing some quick math himself, we require 20 feet for a parking space, however if you look at a mini van or a truck they're mostly 15-16 feet long, that gives you 14 feet of width in that parking area between the bay and the back of that car, I have no doubt that would be sufficient for a fire truck.

K. Bryant requested the aerial photo be put up, she said there is only one way in and one way out, how will a firetruck turn around in an emergency situation.

J. Zappia said they have tow trucks in there regularly.

T. Hauck said likely in a small lot like this they would back out.

K. Bryant said she had another question but isn't sure she is allowed to ask it.

S. Sparks asked what it relates to.

K. Bryant said, acquiring vehicles for sale.

T. Hauck asked, as in how the vehicles are acquired for sale?

K. Bryant said yes.

S. Sparks said that's fine if she feels its relevant to the parking requirement

K. Bryant said it has to do with comments during the presentation that were made. She then asked J. Zappia how he acquires the vehicles that he sells.

J. Zappia stated he buys them from new car dealers, we buy their trade-ins. We buy some of our cars from the Harley store in Vandalia, some from the internet and estate. We do our best to buy one owner cars and that's really hard to do especially from a new car store, they know it's a one-owner to we have to give them buy-bids.

K. Bryant asked if they take the funds from their business and buy cars, then she stopped herself and said she would leave that one alone.

A. Coe asked T. Hauck is the grassy area in front of the building has enough set back to be able to display cars.

T. Hauck said no it does not, there are a couple of issues with that, one being that grassy area is not owned by the property owner, that is the right of way the City owns that. Second part is that cars can't be parked on grass anyways.

A. Coe said really? And asked for the photo of the other car dealership (Mira) shown earlier to be brought up.

T. Hauck said they typically do that and they are periodically sited for that, I can check the last time they were sited and he did confirm with Code Enforcement that they do site for that.

A. Coe said her last question is, is a parking space in terms of what you're talking about the same as a display space?

T. Hauck said that is a good question, our code does not differentiate between the two. If it did, this is just subjective and his own thoughts and opinions, the spots would probably be smaller.

M. Fields spoke about the sales portion of the business. He said when they have 5 cars, they probably sell 2-3 a month, if he has 8-10, he'd sell 9-10 cars a month, he said you usually turn your inventory. He said if there are 5 cars and they sell 3, there are 2 left and they have to replace those three and he can't replace them overnight. He said if he has 10 and they sell 3, I'm down to 7 and now I have a chance to replenish that way they're not out of inventory. He said he worked for a car dealer for 22 years he was a used car manager and he said the more you have the more you sell. He said they do not have enough inventory to survive, they have been struggling for over a year and a half now. He said it was great when they first opened, but says just to get cars is a lot of aggravation. He also mentioned all cars go through their service department before going out on the lot.

R. Hankins said he wants to do something but it's difficult, he said he understands what the party is saying, but he is hesitant to approve a change without the fire department giving the approval. He stated he is about to ask to table this until T. Hauck can talk to the fire department.

T. Hauck said he is happy to do that, he told R. Hankins that if he is having hesitancy about that, that is the best course of action- to table this until the following meeting where we can either talk to the fire chief or fire marshal, or have them here.

R. Hankins said that is a concern of his, Trotwood is business friendly and wants to do what is best by our consumers but we also want to do what is best by our citizens and their safety. He said he would like to make a motion.

K. Bryant paused R. Hankins to say her concern is we amended the conditional use before, now we are being ask to amend the amendment.

T. Hauck said he is happy to answer that question, but we are still in the public hearing portion so I would let the applicants speak and then we will come back to answer the questions.

J. Bosse spoke about his business evaluation background. He said a business to be viable counts on the display. The more display the better they can be viable. A good way to look at it, you see it in other car dealerships, but if you go into a jewelry store how important is display? You get one chance to make that first impression with a potential buyer. Their argument that I would agree with subject to the commission's approval in resolving things is to keep them viable they need a little larger inventory to have the display, that comes from his 40-some years of doing evaluations. He said he likes to highlight everything you display is important to making a sale and making that first impression to look more or pursue a purchase.

R. Hankins said to J. Bosse he would agree with that but you also have to remember that for business and display, location, location, location is the issue. If the location is larger and there is no issue with parking or safety what you say makes sense, but if that location is not large enough, you might want to have 100 cars but can we fit them there safely and where it makes sense for the safety of everybody? Your argument makes sense but you also have to understand the location you're talking about with what one can do with what one has.

J. Bosse said to answer that I agree. Location he cannot change, the idea of 10 cars to him looks viable but I'm not the voting members, you are you get that chance to discuss it.

J. Moore said he wanted to respond on behalf of the applicant in regard to the conditional use, I don't think there is anything in your code that says you cannot expand a conditional use and that's basically what this application is because we are asking to go from 5-10, or we want a new conditional use for 10 so I'm just asking that question to you Mr. Hauck, I'm bringing it up but

T. Hauck said he is correct, there is no issue with the applicant coming back and essentially requesting a modification of their conditional use or to expand their conditional use.

J. Moore also stated if the commission wants to withhold ruling on this until you have the fire marshal's input, we're not going to oppose that because I want this decision you make to be based on every piece of information that you want to have. He said he won't make any closing argument so to speak, you maybe ruling on a motion that states there's no need for that right now so I'll withhold that, I may ask you to speak again if you make the motion and it doesn't pass.

T. Hauck asked J. Moore if he or Mr. Zappia would have any issue with a continuance to wait on the fire marshal and we schedule a day where you set it up the way that you'd like it to be with the 10 cars out there and the fire marshal and I can come out there that day.

J. Moore asked T. Hauck to reword to make sure he understood it.

T. Hauck asked J. Moore, would you be opposed to myself and the fire marshal coming out to inspect the property with those ten cars, essentially what you're proposing, so the fire marshal and I can see what that would look like.

J. Moore said no, and you would then report back to the commission, I don't think we would oppose that at all. We want you to have all the facts so we get a decision based on openness and knowledge for everybody. One last thing he wanted to say in regard to this gentleman's comments (motioning towards R. Hankins), the one photograph we had up there where Johnny talked about 9 cars, that's the display we're talking about.

R. Hankins said we've gone through this before, we've gone through this discussion in detail in 2022. I really believe that this body and the City of Trotwood's intent is to be business-friendly, I also believe our intent is to do what is safe for our safety employees as well as anybody on that lot. He said he has a real problem making a decision until I have an opinion from the fire marshal that this display would be appropriate and safe. **R. Hankins** said he liked what **T. Hauck** proposed and he would like to make a motion.

S. Sparks stated the commission needs to close the public hearing if there are no other comments.

Motion to close the public hearing by R. Hankins; 2nd by A. Coe, Voice vote; YES, ALL in favor (4-0).

T. Hauck said before a motion is officially on the floor, he requested if there are any other comments, issues or questions other than the fire marshal concern that they discuss it now so it is all out in the open if there is something he needs to work on before the next meeting or if the applicant needs to hear we have that now opposed to next month's meeting.

K. Bryant attempted to address the applicant and **S. Sparks** reminded her that the public hearing portion of the meeting is closed.

T. Hauck said she can direct her question to him and he can ask that in the future.

K. Bryant asked if there will be a variety of vehicles.

T. Hauck said he believes so but doesn't want to speak on their behalf so he will ask them.

Motion to table this case until next meeting to allow for a site review by T. Hauck with Fire Department by R. Hankins, 2nd by C. Wheeler. Roll Call Vote; YES, ALL in favor.

UNFINISHED BUSINESS:

Discussion Items- Single Family Housing Zoning Changes and changes to use definitions, permitted uses, and conditional uses.

T. Hauck said he had given the commission members some homework to look over, the chart and definitions and give him their feedback or questions, he said we won't get into that too much tonight. He requested the members contact him to discuss any comments or questions they have. The big reason to get this finished was due to moratoriums that were ending at the end of this year, he did not know about a plan to extend the moratorium and there is now an additional 6 months to discuss all of these topics. Next month we can switch back to single family housing.

K. Bryan said sometimes she has questions in between meetings and she asked if there was a reason why they cannot have a group meeting.

S. Sparks said yes, she said when they are together they are a body, you can act as a body when you're not physically together so it could be via email. Kaitlin could send an email to all of you, we cannot have a conversation in that email otherwise those are subject to public record and we would be having a meeting. She said they do have to be very careful that's why Tyler said if you have questions contact him directly, she said they can also reach out to her if they have a question they're not sure of, I may even say someone has a similar issue but we cannot have a collective conversation that is not open to the public.

T. Hauck said he thinks what we could do is if you have a question and you're okay with the group knowing about it, you can ask him the question and when he responds he can say "someone had this question" but we wouldn't necessarily be having a group discussion. If one person asks, we are happy to share the question and the answer with the group.

R. Hankins said to the board since City Council put everything on moratorium he was thinking after the last meeting that multi-family housing is very important, one of the things he asked the board and one of the things he would ask to be put back on the table is the question of marijuana because T. Hauck had state he would let City Council make that decision and he disagrees with that. R. Hankins said that discussion should be made by planning commission as well, we should make a recommendation to City Council.

T. Hauck said he is happy to make that apart of the use discussion. He agreed with R. Hankins that it is a use and should be talked about at planning commission.

R. Hankins said now that we have 6 months we can do it correctly, he thinks they need to go through the entire process and City Council shouldn't just have a voice.

T. Hauck agrees and said he is thankful for the additional time to really think it through at this level and pass along the best recommendation to City Council.

R. Hankins said he would appreciate staff providing a plan they can look at, that makes the process easier. If staff says we've been looking at it and this is what we think then we can also go over the details.

T. Hauck asked R. Hankins if by plan he meant specific changes to the code.

R. Hankins replied yes.

T. Hauck said he is happy to continue doing that, what he presents to the board is his recommendation.

R. Hankins said he would like more recommendations.

A. Coe stated it is good that we have more time but she is still trying to understand that whatever they talk about and any decisions that are made we somehow get the feedback or it gets incorporated into discussion around the comprehensive plan because she doesn't want to come up with something that might be in contrast to what is being discussed at a larger scale, she doesn't feel it should be a separate conversation.

T. Hauck replied that is a great point, he doesn't think it's a separate conversation because the person managing the comprehensive plan is in the room tonight. He said that is a great way of thinking because we don't want them to be completely separate. There will be a workshop with planning commission and city council to talk about the comprehensive plan, look over the preliminary plan and recommendations and help shape that. We have two planning commission members on the steering committee. He also let the members know he will send out a survey in relation to the comprehensive plan. He said to R. Hankins' point one of the questions on the survey is on marijuana.

T. Hauck made one more comment not related to Unfinished Business. He invited the board to the APA Planning and Zoning workshop being held in December, he requested anyone interested in attending to let him know.

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

Meeting adjourned 7:40 pm.



Chair Ernest Curry Vice Chair Karen Bryant



Admin Assistant Kaitlin Higgins