



**City of Trotwood Planning Commission**

3035 Olive Road, Trotwood, Ohio 45426

Phone: (937) 854-7227 • Fax (937) 854-0574 • Website: [www.trotwood.org](http://www.trotwood.org)

**Agenda  
February 25, 2025  
Planning Commission Meeting**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Review**
- V. Approval of Minutes**
  - December 3, 2025
  - January 28, 2025
  - February 10, 2025 (Special Meeting)
- VI. Public Comment (Any comment not related to items on the agenda)**
- VII. Unfinished Business**
  - PL-2025-01 (Trotwood Together)
- VIII. New Business**
  - PL-2025-02 (Zappia Motors)
- IX. Commission Members Comments**
- X. Planning & Development Department Remarks**
- XI. Adjournment**



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**STAFF REPORT  
(February 25, 2025 Meeting)**

**Docket No. / Project Title:** PL-2025-02 (Zappia Motors)

**Staff:** Tyler Hauck

**Applicant:** Joseph Moore

**Property Size:** 0.43 acres

**Current Zoning:** GB (General Business) – Located in SARA

**Location:** 5242 Salem Bend Drive, in the City of Trotwood

**Background Summary:**

The applicant is requesting a modification to their previously approved Conditional Use Exception (PC-22-04) to allow a total of 10 cars to be sold on the property at one time. As a part of the previous approval, the Planning Commission permitted a total of 5 cars to be sold on the premises.

**Key Issue Summary:**

The following key issue(s) currently do not meet the Zoning Ordinance requirements and should be considered and discussed with the Planning Commission in the course of their decision-making process:

1. Is there sufficient space for an additional 5 vehicles for sale while still accommodating the employee parking, customer parking, and leaving area for 2-way drive aisles.
2. Is there any substantial difference between this case and the applicants case from November 2024 (ZV-2024-21), which was denied by the Trotwood Planning Commission.

**Preliminary Staff Recommendation:**

Staff recommends denial of the modification. The Planning Commission previously heard the applicant's request (ZV-2024-21) to allow up to 10 cars to be sold on the property at one time. The case was initially heard in October 2024 and continued. At the November 2024 Planning Commission meeting the Planning Commission denied the application with a vote of 1 in favor, 1 opposed, and 1 abstaining. The Planning Commission indicated they were uncomfortable with the additional sale of used automobiles at this location and the apparent shift in business model, from more auto service to more auto sales. Auto Sales are not a permitted use within the GB (General Business) zoning district, and it is specifically pointed out as a prohibited use within the SARA (Salem Avenue Redevelopment Area). The proposed case before you tonight is not different in any way from what was previously denied by the Planning Commission.

If the Planning Commission votes to approve the modification, staff asks that the following conditions be placed on the approval:

1. A parking lot striping plan be submitted, reviewed, and approved by the Planning & Zoning Department, striping all parking spaces consistent with the requirements of the Zoning Ordinance. The parking lot striping plan shall be approved prior to any additional vehicles be listed for sale on-site.
2. As a part of the parking lot striping plan, employee parking signage be proposed for the most inaccessible parking spaces on site, as determined by the Planning and Zoning Administrator. The number of employee parking signs shall be determined by the applicant's indication of the number of employees on-site during the largest shift. These signs shall be installed prior to any additional vehicles being listed for sale on-site.

**Planning Commission Options:**

In reviewing a request for project located within the SARA (Salem Avenue Redevelopment Area), the Planning Commission may (1) move to approve the application, (2) move to require a modification of the application, (3) move to deny the application, or (4) table the review to the next Planning Commission meeting.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Auto Sales & Service (Zappia Motors)
<b>Site Features:</b>	8-Bay Auto Service Area, Unstriped Parking Area
<b>Special Circumstances:</b>	Located within the Salem Avenue Redevelopment Area
<b>Vehicle Access:</b>	Salem Bend Drive – Local Street

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	GB (General Business)	Home Depot
<b>South:</b>	GB (General Business)	White Castle
<b>East:</b>	GB (General Business)	Home Depot
<b>West:</b>	GB (General Business)	Pep Boys / Auto Zone

<b>Inter Department Review</b>	
<b>Fire Department</b>	After touring the property of Zappia Motors located at 5242 Salem Bend Drive Trotwood, Ohio 45426, I have no concerns with the addition of 5 vehicles (10 total) to the front sales area/parking lot of the property. There is no interference with emergency vehicles/crews ability of completing their tasks.

### **History of the Application:**

- On March 22, 2022 the applicant received a conditional use exception to sell up to (5) used vehicles at the subject property along with an approval to operate an auto repair service.
- In October of 2024, the applicant applied for a modification to the conditional use approval, to allow the sale of up to ten (10) used vehicles on the subject property. The case was heard before the Trotwood Planning Commission on October 22, 2024. The application was continued as some Commission members had questions regarding the Fire Department and safety.
- On November 12, 2024, the applicants case was denied by the Trotwood Planning Commission, indicating they did not believe the request for additional auto sales was consistent with the requirements or intentions of the SARA (Salem Avenue Redevelopment Area).
- On January 6, 2025 the applicant refiled the case with the Trotwood Planning Commission. The applicant indicated there are no changes from the previously denied application.

This property is located in the SARA District (Salem Avenue Redevelopment Area). The following Planning Principle(s) apply to this application:

1. The site design of commercial development is one of the most critical aspects of a successful project. Decisions made at the conceptual design stage have repercussions throughout the design development process. This section begins with a listing of some of the more common components of commercial site development.
2. The main components of commercial site design that should be considered throughout the design development process include buildings, walls, and other architectural features.
3. Site designs should respond to local contextual influences and to the site designs of adjoining developments.
4. Used vehicle sales is specially stated to be a prohibited use within the SARA.

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting a modification to a conditional use previously approved by the Planning Commission. The applicant is asking to allow the sale of up to 10 vehicles on-site at

one time. The current conditional use approval from the Planning Commission allows up to 5 vehicles to be sold on-site at one time.

2. The applicant is operating an automotive repair business along with a used vehicles sales business at this location. This is a conditional use within the SARA (Salem Avenue Redevelopment Area), which uses the R-B (Regional – Business) zoning district as a template.
3. Within the SARA, the Trotwood Codified Ordinance indicates that one of the prohibited uses is the sale of used vehicles.
4. In February of 2022, the Planning Commission approved the conditional use of this business, with the condition that no more than 5 vehicles may be sold on-site at one time (PC-22-04). At this time, the applicant is requesting to modify that condition to no more than 10 vehicles.
5. The property is 0.428 acres in size (18,644 sq. ft.). Of that area, 8,460 square feet (45% of the total area) is used as paving for driveway aisles and parking for used cars for sale, employees, and customer parking.
6. The Zoning Ordinance requires that parking spaces are 20 feet in length by 10 feet in width.
7. While there is no requirement of drive aisle width in the Zoning Ordinance, best practices are that drive aisles are 24 feet in width, which allows two-way traffic of vehicles safely.
8. No site plan was provided with the application and there is no striping on the lot, however there appears to be sufficient room to park 1 row of cars along the Salem Bend Drive frontage. Using the measurement of 10 feet in width per space, it appears that 10 parking spaces are feasible. This is 10 parking spaces for all used car sales, employee parking, and customer parking.
9. There is also approximately 80 feet available along the south property line that could be used for the parking of 8 vehicles. However, two-way traffic would not be viable for sections of this 80 feet. With the 20 feet of depth required for a parking space and 24 feet recommended for two-way vehicular traffic, the minimum width of an area to accommodate parking and two-way traffic should be 44 feet. The distance in this section fluctuates from 32 feet to 26 feet in width.
10. As previously stated, there are no painted markings on the property to indicate available parking spaces. The Zoning Ordinance requires that all parking lots above 5 spaces shall be clearly marked.
11. It is unclear how many employees work on the property during the largest shift. While this does not change the parking requirements for this property, it does provide more information on who will be utilizing the parking spaces.
12. The Zoning Ordinance specifies how many parking spaces are required per use. In this case, an auto repair shop is required to have 2 parking spaces per bay. There are 8 bays on this property so 16 parking spaces are required for customers and employees for just the auto repair shop use. For auto sales, 1 space is required for each 2,000 square feet of vehicle sales area. From 5-10 used cars for sale, the auto sales portion would require 1 parking space. With both of these uses together, the total parking count required for this business by the Zoning Ordinance would be 17 parking spaces. It is important to remember that parking spaces in this case are for employees and customers, not vehicles for sale. To comply with the Zoning Ordinance and sell a total of 10 cars on site, the property would need 27 parking spaces.
13. Since opening operation, the property has received 1 notice of violation (RAC-24-1337) dated September 9, 2024 for selling 6 vehicles on the property when only 5 are permitted. The business has corrected the violation while they await the outcome of this case.

14. The only measurement the zoning code has in regards to vehicles is a parking space, which is 20 feet in length and 10 feet in width. In other communities, there are “display spaces” which are spaces that are used only for the display of vehicles as it relates to auto sales. Different communities have different sizes based on the type of vehicles being sold. All of these measurements are smaller than our parking space requirements, which would mean additional cars could fit in the display area along Salem Bend Drive. Below are the typical sizes for the type of vehicle:
- Compact Car: 10-14 ft. in length, 5.8-6 ft. wide
  - Midsize Car: 14-16 ft. in length, 6 ft. wide
  - Full-Size Car: 16-18 ft. in length, 6 ft. wide
  - SUV: 16-20 ft. in length, 6-7 ft. wide
  - Truck: 15-25 ft or more in length, 7-9 ft. wide
15. At the previous meeting, the applicant indicated that their business model differs from a traditional mechanic / repair shop. They indicated that the business runs on appointment only and there are no vehicles kept outside waiting to be repaired. As such, there is a much lower need for parking outside as customers are not parking and waiting, cars are not parked outside prior to repairs, and customers are not waiting long before their car is either dropped off or picked up.
16. The Planning Department and Fire Department conducted an on-site inspection on Friday November 8<sup>th</sup>. The inspection revealed that there is no safety issue on-site and that the Fire Department would have no issue maneuvering on the site or getting any equipment or personnel they needed on to the site. The inspection included the additional 5 cars proposed, so there were 10 cars for sale on-site.



**TROTWOOD**  
GROWING TOGETHER

**CITY OF TROTWOOD  
PLANNING COMMISSION  
MEETING MINUTES  
FEBRUARY 22, 2022**

The Trotwood Planning Commission met on February 22, 2022 at 6:00 pm at the Trotwood Community & Cultural Arts Center in the Cultural Arts Suite, 4000 Lake Center Drive, Trotwood, OH 45426.

**PLANNING COMMISSION MEMBERS PRESENT:**

Ernest Curry  
Rap Hankins  
Karen Bryant

**MEMBERS ABSENT:**

Khalilah Forte  
Tommy McGuffey

**CITY COUNCIL LIAISON:**

Yvette Page

**GUESTS:**

Paul Amegatcher  
Johnny Zappia  
Todd Cochran  
Mike Fields

**STAFF PRESENT:**

Deborah McDonnell, Planning & Development Director  
Jessica Raterman, Planning & Development Technician  
Stephanie Kellum, Deputy City Manager

**TROTWOOD PLANNING COMMISSION  
WORK SESSION MEETING MINUTES  
FEBRUARY 22, 2022**

**CALL TO ORDER AND ROLL CALL:**

**E. Curry** called the meeting to order at 18:03 and proceeded with the Pledge of Allegiance. Quorum declared.

**ELECTION OF OFFICERS:**

**K. Bryant** moved to elect **E. Curry** as Chair. **R. Hankins** seconded. **All in favor; motion passes (3-0).**

**R. Hankins** moved to elect **K. Bryant** as Vice Chair. **E. Curry** seconded. **All in favor; motion passes (3-0).**

**K. Bryant** moved to elect **R. Hankins** as Secretary. **E. Curry** seconded. **Two in favor (2-0).**

**APPROVAL OF AGENDA:**

**K. Bryant** moved to approve the February 22, 2022 meeting agenda. **R. Hankins** seconded. **All in favor; motion passes (3-0).**

**APPROVAL OF MEETING MINUTES:**

**R. Hankins** made a motion to approve the January 25, 2022 meeting minutes. **K. Bryant** seconded. **All in favor; motion passes (3-0).**

**PUBLIC HEARING:**

**J. Raterman** swore in all guest speakers.

**E. Curry** introduced **PC Case # 22-03: Zoning Map Amendment** to change 0 Shiloh Springs Road, Parcel ID # H33 02112 0178, from a Business Park (BP) to a Residential Multi-Family High Density (RMF-H) zoning district to permit future residential development. Property owner and applicant, Paul Amegatcher dba Okinbia Investment Properties LLC.

**D. McDonnell** presented the staff. She generally described how the area surrounding the parcel in question is becoming a residential multi-family area. The properties next to this one are residential multifamily. The business park nearby has been there many years yet nothing has happened with it, and the City is not confident development will occur there. Shiloh Springs in this area is becoming residential. She recommended that the board consider approving this request.

**Paul Amegatcher**, real estate investor in Dayton, described his intent for the land was to use it as residential, and he would like to move forward with that now.

**E. Curry** confirmed with Ms. McDonnell that this rezoning would bring the parcel in line with the zoning of the surrounding parcels and down Shiloh Springs.

**K. Bryant** moved to approve PC Case 22-03 Zoning Map Amendment to change 0 Shiloh Springs Road, Parcel ID # H33 02112 0178, from a Business Park to a Residential Multi-Family High Density. **R. Hankins** seconded. **All in favor; motion passes (3-0).**



**K. Bryant** moved to close the public hearing. **R. Hankins** seconded. **All in favor; motion passes (3-0).**

**E. Curry** introduced **PC Case # 22-04: Conditional Use Exception** for Used Vehicle Sales along with an Automotive Repair business at 5242 Salem Bend Drive, Parcel ID # H33 00514 0018 in the Salem Avenue Redevelopment Area (SARA) overlay - Regional Business (R-B) zoning district, per Trotwood Codified Ordinance 1166.04(b)1F. Property owner: Bryan Sharp. Applicant: Zappia Motors.

**D. McDonnell** presented the staff report. She described the physical nature of the property and the allowed uses in this district, along with the possible exceptions listed in the code. The R-B classification allows for the repair part of the business, while the Conditional Use Exception allows the Planning Commission to permit the used vehicle sales. Ms. McDonnell described that staff recommends the Board specify how many spaces can be used for the sale of used cars, for customers, and for staff due to the lack of parking space on the parcel.

**John Zappia** described his business in the Trotwood community for many years and is simply looking to finish this process so the business can move on.

**R. Hankins** clarified that the staff recommends five parking spots for selling cars. **Ms. McDonnell** described that the recommendation was to limit it to five, and that the business is keeping two parking spaces for staff. **J. Zappia** said not every bay is used for cars, so they will have adequate space for customers and staff. **K. Bryant** asked how many employees they have, and **J. Zappia** answered two in addition to him and his co-owner. **R. Hankins** asked if five spots was a problem, and **J. Zappia** said he would do that if necessary so no it is not a problem. **K. Bryant** asked what the contingency is if they get more cars than are available now? **Ms. McDonnell** responded that is the reason to include the condition of having up to five cars in the parking lot.

**E. Curry** asked if there are any requirements that would bring the applicants back to this board. **Ms. McDonnell** said no, but if the exception is granted it is not transferred to future owners. It is specific to the business, not the parcel. **E. Curry** stated concerns that to approve this several things would be against code. **Ms. McDonnell** replied that this does not go against the code and cited the section that allows for this conditional use exception to clarify that the code is not being overlooked in this circumstance but followed.

**R. Hankins** moved to approve **PC Case # 22-04: Conditional Use Exception** for Used Vehicle Sales along with an Automotive Repair business at 5242 Salem Bend Drive, Parcel ID # H33 00514 0018 in the Salem Avenue Redevelopment Area (SARA) overlay - Regional Business (R-B) zoning district, per the City Code. **No second; motion dies without a vote.**

**K. Bryant** moved to close the public hearing. **R. Hankins** seconded. **All in favor (3-0); motion passes.**

#### **OLD BUSINESS**

None

#### **NEW BUSINESS**

None

#### **OTHER BUSINESS**

**Ms. McDonnell** stated the next regular meeting is scheduled for March 22, 2022; there is a potential development at Olive and Main in the works that may be coming before the board; and there will be upcoming training session on Robert's Rules and the by-laws that will be essential for members to attend.

#### **ADJOURNMENT**

**R. Hankins** motioned to adjourn the meeting at 18:41. **K. Bryant** seconded. **All in favor (3-0); motion passes.**

  
Prepared by: Jessica Raterman  
Chairperson: Ernest Curry

**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, 2<sup>nd</sup>** 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 27<sup>th</sup>, 2024 by: **R. Hankins, 2<sup>nd</sup>** 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; 2<sup>nd</sup> 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, 2<sup>nd</sup> 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.

  
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Chair Ernest Curry Vice Chair Karen Bryant

  
\_\_\_\_\_  
Admin Assistant Kaitlin Higgins



## City of Trotwood Planning Commission

3035 Olive Road, Trotwood, Ohio 45426

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### STAFF REPORT (November 12, 2024 Meeting)

**Docket No. / Project Title:** ZV-2024-21 (Zappia Motors)  
**Staff:** Tyler Hauck  
**Applicant:** Joseph Moore  
**Property Size:** 0.43 acres  
**Current Zoning:** GB (General Business) – Located in SARA  
**Location:** 5242 Salem Bend Drive, in the City of Trotwood

Underlined information is updated information from the October 22<sup>nd</sup> meeting.

#### Background Summary:

The applicant is requesting a modification to their previously approved Conditional Use Exception (PC-22-04) to allow a total of 10 cars to be sold on the property at one time. As a part of the previous approval, the Planning Commission permitted a total of 5 cars to be sold on the premises.

#### Key Issue Summary:

The following key issue(s) currently do not meet the Zoning Ordinance requirements and should be considered and discussed with the Planning Commission in the course of their decision-making process:

1. Is there sufficient space for an additional 5 vehicles for sale while still accommodating the employee parking, customer parking, and leaving area for 2-way drive aisles.

#### Preliminary Staff Recommendation:

Staff recommends approval of the modification. Staff, along with the Trotwood Fire Department, performed a site inspection of the site on November 8, 2024. Upon completion of the inspection, it was determined that there were no issues in regards to safety with the additional 5 vehicles for sale on-site. At the previous meeting the applicant stated their business model severely limits how many customers are on-site at one time due to being by appointment only and not storing any vehicles outdoors. This leaves sufficient room for several customers to park along the back wall with no issue. Due to a “display space” taking up less room than a traditional “parking space”, there is adequate room upfront for 10 display vehicles without causing a disruption in traffic flow or safety.

~~If the Planning Commission votes to approve the modification, staff asks that the following conditions be placed on the approval:~~

**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 than 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.

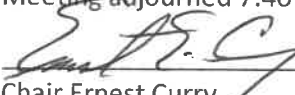
### **NEW BUSINESS**

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