

## *City of Riverside Planning Commission Meeting February 21, 2023*

**Members Present:** Julie Denning  
Jonathan Hairston  
David Owens  
Tony Rodgers  
Harold Vazquez

**Members Absent:** None

**CALL TO ORDER:** The Planning Commission meeting was called to order at 6:36 p.m.

**ROLL CALL:** Mrs. Denning, present; Mr. Hairston, present; Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present.

**ELECTION OF OFFICERS:** Chairwoman Denning opened the nominations for the position of chair. Mr. Rodgers nominated Mrs. Denning as the chair. Mr. Hairston seconded the nomination. No other nominations were made. Mr. Rodgers moved, seconded by Mr. Vazquez, to appoint Mrs. Denning as chairperson of the planning commission. Roll call went as follows: Mrs. Denning, abstain; Mr. Rodgers, yes; Mr. Hairston, yes; Mr. Owens, yes; and Mr. Vazquez, yes. **Motion carried.**

Chairwoman Denning opened the nominations for the position of vice-chair. Mrs. Denning nominated Mr. Rodgers for the position of vice-chair. Mr. Owens seconded the motion. No other nominations were made. Mr. Vazquez moved, seconded by Mr. Hairston, to appoint Mr. Rodgers as vice-chair of the planning commission. Roll call went as follows: Mr. Vazquez, yes; Mr. Hairston, yes; Mr. Owens, yes; Mr. Rodgers, abstain; and Mrs. Denning, yes. **Motion carried.**

**APPROVAL OF AGENDA:** Ms. Lewallen made an amendment to remove Item #8, Zoning Administrator Discussion Topics – annual report, from the agenda as the Community Development Director was not able to present it. Mr. Rodgers moved, seconded by Mr. Vazquez, to approve the amended agenda. All were in favor. **Motion carried.**

**APPROVAL OF MEETING MINUTES:** Mr. Owens moved, seconded by Mr. Hairston, to approve the minutes of the November 20, 2023, meeting. All were in favor. **Motion carried.**

Chairwoman Denning explained the process for filling out the form to speak, taking the oath, and speaking at the podium.

### **PUBLIC HEARINGS/REVIEW:**

- a. **PC Case #24-0001 – Waiver – 2301 Brandt Pike (Parcel ID# I39 00520 0002).** A waiver to allow the combined accessory structures' footprint to exceed that of the principal structure.
  - (i) Public Hearing on application

Chairwoman Denning opened the public hearing for Case #24-0001 at 6:42 p.m.

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Ms. Lewallen took the oath to give sworn testimony. She stated the request is for a waiver to allow the combined accessory structures' footprint to exceed that of the principal structure. She presented two aerial maps of the approximately 21.7-acre parcel. She stated the applicant is proposing to construct a 3,000 sq. ft. accessory structure – storage building on the northwest side of the property. The Riverside Codified Ordinances require the footprint of accessory structures to be smaller than the principal structure. This ensures that the accessory structure is incidental to the principal structure and creates a more consistent neighborhood character. She presented the front elevation and site photos from all sides of the property with adjacent properties. Staff finds that the requested waiver is adequately justified and does meet the standards for approval as the proposed waiver will not have adverse effects on adjacent property owners, will assist the applicant in complying with other UDO standards, and the applicant is proposing to set the structure back 10' farther from Schwinn than the minimum standard and screen with vegetation.

Mr. Odir Diaz, 2801 Brandt Pike, Riverside, OH, took the oath to give sworn testimony. He stated he purchased the property. He was born and raised in Costa Rica. He came to the United States and has been working for the past 26 years trying to do the right thing. He and his wife's goal is to make the property look super nice and keep it as a farm with a lot of trees. He would like to put a barn in the corner. There are containers there that he is not happy with and there have been people who try to steal some of his equipment such as a backhoe and various equipment. They are ready to move with the kids by the end of this year and want to have a place to protect their stuff.

Chairwoman Denning closed the public hearing at 6:49 p.m.

Chairman Denning moved, seconded by Mr. Owens, to approve the waiver for Case #24-0001, 2301 Brandt Pike, based on the staff report and the evidence and testimony heard today. Roll call went as follows: Mrs. Denning, yes; Mr. Owens, yes; Mr. Hairston, yes; Mr. Rodgers, yes; and Mr. Vazquez, yes. **Motion carried.**

- b. PC Case #24-0002 – Conditional Use – 4766 Airway Road (Parcel ID# I39 00123 0028).** A conditional use application for an automobile sales business in the B-2 General Business District.

- (ii)** Public Hearing on application

Chairwoman Denning opened the public hearing for Case #24-0001 at 6:52 p.m.

Ms. Lewallen stated this is for a conditional use for an automobile sales and rental business in the B-2 General Business Zoning District. The proposal includes repurposing the existing 1,520 sq. ft. former K.C. Lounge building and parking lot. The proposed used lot will include 24 parking spots for vehicle display and utilize the existing principal structure as the administrative office. The remaining seven parking spaces will be reserved for employee and customer parking. The adjacent auto repair business currently parks vehicles in these spaces. They will need to park

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their vehicles elsewhere in order for this property to remain in compliance with the parking requirements. She noted that this case was brought before the Planning Commission in May of 2023 and was denied. The applicant has outlined how this new application addresses the previous concerns of the commission. Additionally, the site has not been cited for a code violation for the past year. A neighborhood meeting was held on February 1, 2024, with four people attending. A summary of the neighborhood meeting was received by the staff and included in their report to the commission. She presented the aerial map, the zoning map, and site photos of the property and adjacent properties, which included other automobile sales and repair lots. Staff finds the conditional use application is adequately justified and meets the standards for approval. Staff recommends approval with conditions as the car lot can be operated and maintained to in a manner which will not be detrimental to neighboring properties, the existing site arrangement will be utilized for this proposal, and the recommended conditions will ensure the spirit and intent of the code and comprehensive plan are met. She stated that there were five recommended conditions and a sixth was added stating that the grass area behind the lot shall remain undisturbed and the lot shall not be used as a junk or salvage yard. Chairwoman Denning added that the green space behind the property backs up to residential lots. They did not want any type of junk or debris left there as it helps keep a buffer for the neighborhood behind this business.

Mr. Vazquez stated in their packet of information it is a conditional use for automobile sales and not sales and rental. Chairwoman Denning stated that is different.

Mr. Benyam Ambaya, 4766 Airway Road, Riverside, OH, took the oath to give sworn testimony. Chairwoman Denning asked if he is asking only for automobile sale or sales and rentals. Mr. Ambaya stated it was for both. If it is a problem, he is open to either. Discussion was held if there could be rental with sales on the lot. Mr. Miller stated everything he has indicates a sales use. If there is a request for something different than analyzed by staff, then there may be a different recommendation. Chairwoman Denning was concerned since there was a conditional use and if there is a difference in that language because there can only be one conditional use. Mr. Ambaya stated he is asking for sales and rental; this is what he would like. Discussion continued about the concern for what he wants and if both sales and rental can be granted as one conditional use.

Mr. Ghassan Deek, Deek Law, 1563 E Dorothy Lane, Suite 204, Kettering, OH, took the oath to give sworn testimony. Mr. Deek represents Mr. Ambaya and stated that a revised application was submitted and received by Ms. Holt. This included the rental aspect of the car lot. He explained sales versus sales and rental to Mr. Ambaya. He stated that he knows sales are a conditional use and is not sure if rental and sales together can be done. Chairwoman Denning explained she is concerned that rental may be one conditional use and sales may be another, but is not sure if both can be done together.

Mr. Brett Domescik, 132 Orinoco Street, Riverside, OH, took the oath to give sworn testimony. He stated that the subject property that brings him to the meeting is 103 Meyer Avenue. He stated he attended the neighborhood meeting held at Belmont Library, met the property owner,

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and felt it was a good meeting. He is concerned about the number of car dealerships and auto repair in that area, but having talked with Mr. Ambaya he thinks the additional rental possibility may be a different aspect for him. He is unaware of any automobile rentals in Riverside, so if he can put out decent rental vehicles this would be a plus for Riverside as that is something they do not have. He added that the discussion was on upscale vehicles. The property owner is taking a disgusting building and doing something better with it. There will not be bodies and a lot of people there late at night, which will be a benefit. He gives him credit for taking on the commercial property with a limited use factor and is putting in something he can put in. He has no ill feelings about the rental portion. He is spending money to make the lot nicer.

Mr. Deek came forward as he looked up Section 1107 in the Riverside City Code regarding the zoning districts and conditional use, and stated that under 4.b it says "...automobile and motorcycle sales, rental, and service." He stated he would interpret that as being into one as sales, rental, and service. He provided the information to Mr. Miller. Mr. Miller stated the code permits different type of uses, but the staff report, which is the document that would be based on any kind of appeal for adverse decision. Any adverse party would appeal this to the board of zoning appeals, and will be basing their appeal off the staff report. The staff report speaks on the conditional use aspect of an automobile sales business within the B-2 general business district. That is an approved conditional use of auto sales business. Ms. Holt will be able to explain the process more eloquently. It's not to say that a conditional use for a leasing or rental service or for motorcycles for that matter would not be permitted but the application before the Commission in terms of how it's styled. The official staff report is for automobile sales conditional use, which would be a discrete and separate, and the commission's concern is there may be no guarantee without more input from Ms. Holt to how to guide an applicant on what steps to follow to apply for a conditional use for a rental or a leasing component. Mr. Deek asked if there would be a possibility to have a favorable decision for one and table the other matter. Mr. Miller stated he would advise the commission for the application before them for automobile sales conditional use. He would consider any further applications for conditional uses if those were submitted to city staff. The commission would be able to hear all the testimony then table the decision until Ms. Holt can answer questions and table the whole matter. Chairwoman Denning stated if they voted on this, they would have to pay to submit another application, which would add more fees. Mr. Deek asked if they could divide the issue without a subsequent submission. Mr. Miller explained the procedural aspect that could be taken by the planning commission. He stated that Ms. Holt could discuss with the applicant and his counsel with respect to other ancillary uses. He can only advise on the conditional use of automobile sales. Mr. Deek stated that the property has been vacant for several years. He suggested they table and withdraw the rental request. Chairwoman Denning stated that it may not be able to be added later without more research with Ms. Holt.

Chairwoman Denning reviewed the conditions listed in the report.

Mr. Al Vancil, 4821 Conway, Riverside, OH, took the oath to give sworn testimony. He agrees that something has to be done with the lot as the fence is in worse shape and falling down. He has

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spoken to property owner about how nice the lot looks now as he is putting money into it. Prior to this, they had clubs and bars with the police arriving five to six times a night. He does not know why they would not have a used car lot with nice lights and a fence and making the place look right. He discussed how used car lots feed on other used car lots and that will bring people to buy in Riverside. It makes for sense to have that rather than a bar.

Chairwoman Denning closed the public hearing at 7:22 p.m.

Mr. Hairston asked if they are voting only on sales. Chairwoman Denning confirmed that it was for sales only.

Mr. Hairston moved, seconded by Mr. Rodgers, to approve the conditional use for automobile sales for Case #24-0002, 4766 Airway Road, based on the staff report and the evidence and testimony heard today. Roll call went as follows: Mr. Hairston, yes; Mr. Rodgers, yes; Mrs. Denning, yes; Mr. Owens, yes; and Mr. Vazquez, yes. **Motion carried.**

**MATTERS BY THE COMMISSION:** Chairwoman Denning stated the work session scheduled for this evening will be postponed until Ms. Holt can present. She also stated that another great-grandson was born. He is five weeks old and is having surgery tomorrow. She reminded everyone that March 21 is World Down Syndrome Day and that Down Syndrome is not a diagnosis and not necessarily a disability; it is an extra chromosome. Her great-grandson is diagnosed with that and is doing well. She thanked all the commissioners for supporting her being chairperson again as she enjoys it.

**ADJOURNMENT:** Mr. Owens moved, seconded by Mr. Hairston, to adjourn. All were in favor. The meeting was adjourned at 7:28 p.m.

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Chair

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Date