



CITY OF LIMA
CITY PLANNING COMMISSION
Minutes – February 8, 2023

Commission Members:	Rob Nelson Chuck Schierloh Suzanne Plumb Mayor Sharetta Smith	City Staff:	Sophia Fisher Andria Perkins
		Petitioner:	City of Lima Ian Kohli

ROLL CALL showed the following members present: Nelson, Plumb, Schierloh, and Mayor Smith

Suzanne Plumb motioned that the agenda be amended to reflect that Tony Geiger, City Law Director will be presenting a special report.

Chuck Schierloh motioned to approve the minutes from the January 11, 2023 meeting; 2nd by Rob Nelson; motion carried 4-0.

Matters Previously Considered but not disposed of: None

Case #23-02 Alley Vacation
Between Grove Ave and Calumet Ave

Sophia Fisher presented the staff report. She reported that this petition is to vacate an alley segment between Calumet Ave. and Grove Ave. This is located on the east side of the city and runs through the proposed site of the new City of Lima multi-use pool. The west side of the alley is zoned Class III Residential. The east side of the alley is zoned First Industrial. Utility release forms were sent with no objections received. The private landowners will retain rear access to the alley which leads to a public roadway to the north. The landowners were notified by the petitioner of the intent to vacate and no objections were received. Rob Nelson motioned to approve the petitioner's request to vacate an alley segment between Calumet Ave and Grove Ave and elevate to City Council for approval; 2nd by Suzanne Plumb; motion carried 4-0.

City of Lima Law Director, Tony Geiger presented a special report. Mr. Geiger stated that it is necessary that the Commission have a document that formalizes the commission's decision as well as the Staff Report. The document sets forth the commission's decision. In the event someone files an appeal, there must be an order of the commission signed by someone on the commission. He indicated that he would be working with Mayor Smith, Andria Perkins, and the Department Secretary to formalize the process.

Mr. Geiger also addressed a previous re-zoning case (23-01). He stated that the unknown is the ability to condition the zoning on ingress and egress. The desire was to eliminate or prevent it from coming out onto Columbia Drive. He continued that he was unsure if that could be done procedurally. There really is no mechanism to enforce that condition. Sophia Fisher indicated that the commission did question if the condition could be enforced and ultimately decided to simply request that the petitioner eliminate or prevent ingress and egress from coming out onto Columbia Drive. Mr. Geiger stated that he would put the condition in the ordinance this time. Mr. Geiger stated that an agreement could be drafted with the property owner indicating the condition in addition to the re-zoning. It was also stated that if the members of the commission have concerns or conditions regarding a petition, there would be an opportunity to speak to those concerns during the public hearing with City Council.

Mr. Geiger spoke to the practice of contacting the utility companies in the event they have equipment or need access to a vacated area. He stated that the Law Department has drafted some language to be used with all ordinances regarding vacation that covers the concept of existing easements and existing infrastructure. The language basically says that "we vacate this alley but we reserve easements for any utility that is either in use or of record." That language would automatically reserve those types of easements regardless of the response by the utility companies as well as reserving future easement rights to the city. The Law Department proposes that this language be added to every ordinance regarding a vacation.

Rob Nelson motioned to adjourn; 2nd by Chuck Schierloh; motion carried 3-0.

Mayor Sharetta Smith
Chair

Andria Perkins
Director, Housing and Neighborhoods