



CITY OF LIMA  
CITY PLANNING COMMISSION  
Minutes – February 23, 2022

Commission Members: Ricardo Duncan  
Rob Nelson  
Chuck Schierloh  
Suzanne Plumb  
Mayor Sharetta Smith

City Staff: Sophia Fisher  
Susan Crotty  
  
Petitioner: Dave Smith & Dan Campbell  
Reservoir R. & Collins Ave. Re-Zoning  
  
Kirk Niemeyer  
Brice Ave Alley Vacation

ROLL CALL showed the following members present: Smith, Plumb, Nelson (via phone), Duncan, and Schierloh

Chuck Schierloh motioned to approve the minutes of the January 26, 2022 meeting; 2<sup>nd</sup> by Suzanne Plumb; motion carried 3-0.

Mayor Smith stated that the petitioners were present for both cases.

Mr. Dave Smith explained that in October of last year, he contacted Mayor Berger by email stating that the petitioner’s would like to get the properties that they own rezoned to commercial. Mayor Berger responded that he thought it would be a good idea for future development and that they should contact the next administration. After Mayor Smith took office, they contacted her and forwarded the email sent to Mayor Berger with his response to her and she recommended that they contact Sophia Fisher. Ms. Fisher recommended that the properties be rezoned B1 as opposed to B2 to protect the other surrounding properties. She also recommended that all of the properties north of Reservoir Rd. along Collins Ave be rezoned from R1 to B1. Mr. Smith contacted the property owners, did the rezoning maps, provided the legal descriptions with the help of Mr. DiPietro. In addition letters were sent to the adjacent landowners. The owners of the Whippy Dipp did not want to be involved. AEP signed off on the re-zoning. They own a substation there, encompassing six lots. Mr. David Haggard owns five parcels where he operates the sale of lime for agricultural use. The owner of 334 N Collins Ave did not provide a signature of approval but seemed amenable to the change. He continued that most of the properties are zoned R1 but the use of almost all of the properties is business use. In addition to this, there is another property that lies to the east that was annexed in the city several years ago. An attorney representing the property owner, North Park Community Church explained that their church abuts an alley between S. Dewey Ave and S. Perry St north of Elm St. They are petitioning to vacate that alley for the purposes of erecting a fellowship hall. He continued that they have spoken with the property owners on the other half of the alley regarding the vacation. They had discussed a partial alley vacation but the City no longer does those. Three of the four adjacent property owners did agree to a shared use driveway agreement for the western half of the alley. The fourth property owner is Allen County Metropolitan Housing. They have not had a chance to meet with their board to discuss and potentially agree. With the agreement, all of the property owners impacted would still have access to their property. The city would no longer be responsible for the maintenance of the alley.

Ms. Sophia Fisher presented the Staff Report. She stated that the petitioners originally applied for the re-zoning of their properties but after considering the nature of the area, it was determined that it would make sense to rezone the entire area. She explained that she did ask Mr. Smith to get signatures from the property owners but after a review of the Ohio Revised Code, the signatures are not necessary for the rezoning. Ms. Fisher stated that she spoke to the owners of the Whippy Dip and explained that this would get their property in compliance with the zoning and in the event they can’t operate for 12 months, they would not be able to restart that use. She also spoke with owners of properties adjacent that are in Bath Township. They wanted additional information because they did not receive a letter but read about the petition in the paper. She stated that she had not received any formal opposition to the re-zoning from any of the neighbors. It is the staff’s recommendation to endorse the applicants request for the area to be re-zoned from R1 to B1 and to elevate it to City Council for consideration.

Chuck Schierloh asked about the feedback received from the residential property on Collins Ave. Mr. Smith responded that the older couple had no issues with the re-zoning. The property was transferred to their daughter. She did not sign the sheet confirming her approval.

Mayor Smith informed Mr. Nelson that commission member Ricardo Duncan had joined the meeting along with Kirk Niemeyer, petitioner for the next case, and Mr. Rob Hecht, an investor had also joined the meeting.

Suzanne Plumb motioned to approve the application for the rezoning of eleven parcels north of Reservoir Rd along Collins Ave. from R-1 to B1 and forward to City Council for consideration; 2<sup>nd</sup> by Chuck Schierloh; motion carried 4-0.

Mayor Smith explained that the recommendation will go before City Council at their next meeting. They will then schedule a public hearing 45 days after that.

Mr. Kirk Niemeyer, petitioner for the alley vacation of Brice Ave. was present. Mr. Niemeyer explained that the petition to vacate the north part of a N/S alley between the 1300 blocks of Brice and Allentown Rd. is a result of a few complaints received by Code Enforcement. A new neighbor was concerned about the blockage of the public alley by a long existing fence. He explained that he went to the property at 1345 Brice and spoke with the owners about the fence. The owners explained that the alley had been closed for at least 20 years. In order to preserve the residential area, it is in the best interest of the city to initiate vacation. The business owner on Allentown did not have any objections. One of the other properties is a rental property and they too had no objections. Century Link has a pole that goes through the alley and had no objections but want to retain easement rights.

Chuck Schierloh asked if the committee would be setting a precedent that a resident can block an alley on their own without approval from the city. He asked if there were any ramifications for doing this. Mr. DiPietro responded that the city could always reserve the right to enforce a public right of way.

Ms. Fisher presented the staff report. She stated that they had not received any objections. Century Link does want to retain easement rights. It is the staff's recommendation to approve the alley vacation with the condition that Century Link retain easement rights.

Chuck Schierloh motioned to approve the request to vacate the north part of a N/S alley between the 1300 blocks of Brice Ave and Allentown Rd with the condition of creation of easement for utility access; 2<sup>nd</sup> by Rob Nelson; motion carried 4-0.

There being no further business, Rob Nelson motioned to adjourn; 2<sup>nd</sup> by Ricardo Duncan; motion carried 4-0.

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**Mayor Sharetta Smith**  
Chair

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**Susan E. Crotty**  
Director Community Development