

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS  
STAFF REPORT  
AUGUST 3, 2020 PUBLIC HEARING**

<b>Case Number:</b>	<b>Docket #20-31</b>
<b>Applicant:</b>	<b>Fisher Construction Group representing Project Aisle</b>
<b>Location:</b>	The subject property is located south of DS Smith and west of Ken's Foods in the Lebanon Business Park.
<b>Acreage and Zoning</b>	The subject property is zoned Planned Business Industrial (PBI) and comprised of 57 acres.
<b>Property History:</b>	<p><b>History of Property:</b> This is the first time the requested Development Standard Variances have appeared before the City of Lebanon Board of Zoning Appeals. The subject property is a vacant parcel located in the Lebanon Business Park.</p> <p>Fisher Construction Group brought this project before the BZA in July 2020 for a Development Standards Variance associated with building height. That Variance was approved to allow a building height up to 160 feet.</p> <p><b>Lebanon Planning Staff Determination:</b> The applicant, Fisher Construction Group, presented the intent to construct a new cold storage warehouse (code name Project Aisle) on the subject property. The applicant filed for Development Plan approval from the Plan Commission and a review of the civil plans identified additional Variance requests that were necessary.</p>
<b>Variance Request(s):</b>	<p><b>Applicant Request: Development Standard Variance Request</b></p> <p><b>Variance Request #1 – Parking Area Curbing</b> <b>UDO Section 7.5.C.3</b> The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is requesting relief from the curb requirement for the truck/trailer parking area to allow stormwater to sheet drain into a detention facility on the southern lot perimeter.</p> <p><b>Variance Request #2 – Drive Width</b> <b>UDO Section 7.5.D.2</b> The UDO requires that driveways with two-way traffic at the right-of-way shall be limited to a maximum of 30 feet. The applicant is proposing a combination truck and employee drive entrance at the northeast corner of the lot that exceeds the maximum permitted drive width.</p>

<p>Variance Evaluation:</p>	<p><b>Variance Request #3 – Parking Lot Perimeter Landscaping</b>  <b>UDO Section 7.8.J.3</b>          The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement for the employee parking lot but has requested relief from the requirement for the truck parking area south of the building.</p> <p><b>Variance Request #4 – Lot Standards</b>  <b>UDO Section 8.11.A.3</b>          The UDO requires that all lots shall abut on a street. Because of how the DS Smith and Ken’s Foods lots developed adjacent to the subject property, this lot did not maintain street frontage on Edwards Drive. The applicant is requesting relief from this requirement to allow construction of the proposed facility on a lot that does not have street frontage.</p>
	<p><b>Evaluation of Variance(s)</b></p> <p>Statutory Authority of BZA for Reviewing Variances.          Pursuant to state statute and the Lebanon Unified Development Ordinance, the Board of Zoning Appeals must find that each of the following conditions is satisfied in order to grant a variance from the development standards in the Ordinance. Per Indiana Code (IC) 36-7-4-918.5; No variance in the application of the provisions of the ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find, in writing that each of development standard variances listed above has been reviewed based on the following (3) statutory criteria:</p> <p style="text-align: center;"><i>Statutory Criteria</i></p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p><i>Criteria-3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p>
<p>Variance #1:</p>	<p><b>Staff Evaluation of Development Standard Variances</b></p> <p><b>Variance Request – Parking Area Curbing</b>  <b>UDO Section 7.5.C.3</b></p> <p>The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is requesting relief from the curb requirement for the truck/trailer parking area to allow stormwater to sheet drain into a detention facility on the southern lot perimeter.</p>

<b>Staff Recommendation:</b>	<p style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b> The relief from the parking area curb requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The applicant is proposing to sheet drain from this area to adjacent swales and/or detention facilities that empty into the nearby regulated drain, so there will be no drainage issues that would impact neighboring properties.</p> <p><b><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.</i></b></p> <p><b><i>Staff Analysis</i></b> The requested variance for relief from the parking area curb requirement will not affect the use and value of the area adjacent to the property in an adverse manner. Curb has been provided for the employee/customer parking area adjacent to the street frontage which is most visible. The elimination of curb for the truck areas is consistent with other uses in the park.</p> <p><b><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></b></p> <p><b><i>Staff Analysis</i></b> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Requiring curbing in the truck access areas would create issues with the constant truck maneuvers resulting in the potential for damage to the curb.</p>
	<p><b>Staff Recommendation:</b> The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking curb requirements of the Unified Development Ordinance.</p>
	<p><b>Variance #2:</b></p> <p><b>Variance Request – Drive Width</b> <b>UDO Section 7.5.D.2</b></p>
	<p>The UDO requires that driveways with two-way traffic at the right-of-way shall be limited to a maximum of 30 feet. The applicant is proposing a combination truck and employee drive entrance at the northeast corner of the lot that exceeds the maximum permitted drive width.</p>

<b>Staff Recommendation:</b>	<p style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b> The relief from the drive width requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The increased drive width will allow larger semi vehicles to enter and exit the site efficiently and make safe turning movements.</p> <p><b><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.</i></b></p> <p><b><i>Staff Analysis</i></b> The requested variance for relief from the drive width requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The increased width allows for safe entry and exit by larger vehicles and the request is consistent with other uses in the business park.</p> <p><b><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></b></p> <p><b><i>Staff Analysis</i></b> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. While the applicant could propose a drive width that meets the 30-foot standard, the decreased width would increase the potential for unsafe interactions between semis coming and going from the site. The increased width helps to alleviate these concerns.</p>
	<p><b>Staff Recommendation:</b> The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the drive width requirements of the Unified Development Ordinance.</p>
	<p><b>Variance #3:</b></p> <p><b>Variance Request – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3</b></p> <p>The UDO requires all parking areas to include parking lot perimeter landscaping. The application is proposing to meet this requirement for the employee parking lot but has requested relief from the requirement for the truck parking area south of the building.</p>

	<p style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b>        The relief from the perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p><b><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></b></p> <p><b><i>Staff Analysis</i></b>        The requested variance for relief from the perimeter landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request to eliminate landscaping adjacent to truck access areas is consistent with other uses in the business park. These areas are also to the side and rear of the building where they will be less visible to neighboring properties in the park.</p> <p><b><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></b></p> <p><b><i>Staff Analysis</i></b>        The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Landscaping placed along the perimeters of truck access areas are susceptible to damage because of the constant truck maneuvers.</p>
<p><b>Staff Recommendation:</b></p>	<p style="text-align: center;"><b>Staff Recommendation:</b></p> <p>The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the perimeter landscaping requirement of the Unified Development Ordinance.</p>
<p><b>Variance #4:</b></p>	<p style="text-align: center;"><b>Variance Request – Lot Standards</b>  <b>UDO Section 8.11.A.3</b></p> <p>The UDO requires that all lots shall abut on a street. Because of how the DS Smith and Ken’s Foods lots developed adjacent to the subject property, this lot did not maintain street frontage on Edwards Drive. The applicant is requesting relief from this requirement to allow construction of the proposed facility on a lot that does not have street frontage.</p> <p style="text-align: center;"><b>Staff Evaluation of Development Standard Variances</b></p> <p><b><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></b></p> <p><b><i>Staff Analysis</i></b>        The relief from the lot standards requirement requiring lot street frontage poses no imminent threat to the public health, safety, morals, or general welfare of the</p>

community. The lot will derive access from a drive shared with Ken's Foods to the east.

***Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.***

***Staff Analysis***

The requested variance for relief from the lot standards requirement for street frontage will not affect the use and value of the area adjacent to the property in an adverse manner. The lot will have a shared access easement with Ken's Foods (this drive provides truck access) that will provide access to Edwards Drive, eliminating any potential impact to neighboring properties.

***Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.***

***Staff Analysis***

The strict application of the terms of the UDO will result in practical difficulties in the use of the property. This lot is part of the Lebanon Business Park, but because of how the lots developed around it, the street frontage was not maintained. This lot would not be buildable without the variance request.

**Staff Recommendation:**

**Staff Recommendation:**

The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the lot standards requirement of the Unified Development Ordinance subject to the following condition:

1. That the applicant secure a shared access easement and/or right-of-way from the adjacent driveway for Ken's Foods to provide access to the subject site.