

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**PLAN COMMISSION REPORT
TO COMMON COUNCIL**

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| A. Case Number | Docket #21-29 |
| B. Applicant | City of Lebanon Planning Department |
| C. Location | The subject property is located at 1911 North Lebanon Street, Lebanon, Indiana 46052. |
| D. Acreage and Zoning | The subject property contains 0.68 acres and is presently zoned Single-Family Residential (SF1). |
| E. Parcels | Parcel 1 – 015-42920-00 |
| F. Existing Land Use | Dentist Office. The property has been used as a dentist office for quite a long time, but there are no records that a Use Variance is in place allowing the commercial use. It is assumed that the use predates the UDO and is currently a legally existing non-conforming use. |
| G. Petition Request | <p>Planning Staff has been approached by potential tenants for a portion of the space within this building for a use that is commercial/office-oriented, but does not fit under the definition of Medical/Dental office. Any change of use that is not the same as the current non-conforming use must be a permitted use within the zoning district. Because the current zoning is SF1, the site would only permit residential uses. In order to facilitate the use of the site for other commercial/retail uses, Planning Staff indicated that the city would initiate a rezone of the property to Planned Business Commercial (PBC), with the owner's permission, to eliminate the non-conforming status of the current use and allow other commercial/retail uses at the site without further necessary approvals.</p> |
| H. Ordinance Process | <p>Procedural Ordinance Process:</p> <p>The Official Zoning Map incorporated by reference in the Unified Development Ordinance may be amended as necessary upon receipt of a petition for rezone signed by the owner of the subject property. The Zoning Map Amendment may be adopted by the Common Council after review by the Plan Commission according to the following procedures.</p> <p>The City of Lebanon Unified Development Ordinance provides review criteria established in Indiana Code 36-7-4-603 to guide the Plan Commission when deliberating a recommendation regarding a proposed rezoning.</p> <p>Criteria 1 – Consistency with the goals, objectives, and policies of the Comprehensive Plan</p> <p>Criteria 2 – Compatibility with adjacent uses and improvements</p> |

- Criteria 3 – Desirability of the proposed land use
- Criteria 4 – Impact on property values
- Criteria 5 – Responsible growth and development

Criteria 1 – Consistency with Comprehensive Plan

The Future Land Use Map from the Lebanon Comprehensive Plan is used as a guide and represents the desired land use throughout the community. Zoning typically conforms with the land use designation, although it is not required to, and is the legal implementation of the land use. The subject property is designated for “commercial” uses on the Future Land Use Map and promotes a variety of commercial/retail uses.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) is consistent with the goals, objectives, and policies of the Lebanon Comprehensive Plan.

Criteria 2 – Compatibility with Adjacent Uses

| Location | Current Zoning | Existing Land Use |
|---------------------------|-----------------------------------|-------------------|
| North of Subject Property | Planned Business Commercial (PBC) | Commercial Use |
| South of Subject Property | Single-Family Residential (SF1) | Commercial Use |
| West of Subject Property | Planned Business Commercial (PBC) | Commercial Use |
| East of Subject Property | Planned Business Commercial (PBC) | Commercial Use |

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) is compatible with existing uses and zoning on adjacent properties.

Criteria 3 – Desirability of Land Use

The rezone to Planned Business Commercial (PBC) is being proposed in order to provide the existing commercial use of the property with a conforming zoning district. The proposed zoning district and use would not only be compatible with surrounding land uses but would be a desirable land use given the existing pattern of development.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) is a desirable land use within the proposed area.

Criteria 4 – Impact on Property Values

The continuation of the commercial land use is consistent with others in the vicinity. If approved, the rezoning would ensure the existing commercial use of the property remains.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) would have no negative impact on property values in the area.

Criteria 5 – Responsible Growth

The rezone to Planned Business Commercial (PBC) would provide the existing commercial use with a conforming status and provide for changes of use to other commercial use without further city approval. The land use is consistent with the surrounding land uses and is served by existing utilities and infrastructure.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) represents responsible growth and development.

I. Plan Commission Action

Plan Commission Action

The Advisory Plan Commission held a public hearing regarding the rezoning request at their regularly schedule meeting on May 17, 2021. The **Plan Commission has forwarded the request to the Common Council with a favorable recommendation** by an 8-0 vote, certified by the Commission Secretary on May 18, 2021 (copy included in packet).