

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
JULY 6, 2021 PUBLIC HEARING**

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| Case Number: | Docket #21-37 |
| Applicant: | Texas Republic Signs for Pilot Flying J |
| Location: | The subject property is located at 520 S State Road 39, Lebanon, IN 46052. |
| Acreage and Zoning | The subject property is zoned Planned Business Industrial (PBI) and comprised of 14.11 acres. |
| Property History: | History of Property: This is the first time the requested Conditional Use has appeared before the City of Lebanon Board of Zoning Appeals. The existing pole signs on the property, one along Interstate 65 and one along State Road 39, were erected prior to the requirements of the current UDO and are, therefore, legally existing non-conforming signs. The applicant is currently proposing to remove and replace the existing sign along the interstate, which requires the signs to be brought into compliance with the UDO, thus requiring Conditional Use approval for the pole sign. As part of this process, the applicant has committed to removing the existing non-conforming sign along State Road 39 and only replacing the pole sign along Interstate 65. |
| Background: | Conditional Use Background The applicant is proposing to construct a pole sign for the Flying J Truck Stop that is 534.2 square feet and 90 feet tall. Freestanding Pole Signs are listed as a Conditional Use within the PBI zoning district under the following conditions: <ol style="list-style-type: none">1. Pole signs shall only be located within 1000 feet of an interstate interchange. -The proposed pole sign is located approximately 350 feet from the existing interchange.2. Pole mounted signs shall not exceed 60 feet in height. -The proposed pole sign is 90 feet tall. The applicant will additionally be requesting a variance to allow for the increased height.3. The maximum sign area shall not exceed 200 square feet per side. -The proposed pole sign is 534.2 square feet per side. The applicant will additionally be requesting a variance to allow for the increased square footage. |

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| <p>Conditional Use Request(s):</p> | <p>Applicant Request</p> <p>Conditional Use Request – Freestanding Pole Sign UDO Section 7.7.H.2.b Freestanding Pole Signs are a conditional use within the Planned Business Industrial (PBI) zoning district.</p> |
| <p>Conditional Use Evaluation:</p> | <p>Evaluation of Conditional Use(s)</p> <p>Statutory Authority of BZA for Reviewing Conditional Uses. 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 Conditional Use approval. Per Indiana Code (IC) 36-7-4-918.2; No conditional use approval 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 the conditional use request listed above has been reviewed based on the following (6) statutory criteria:</p> <p style="text-align: center;">Statutory Criteria</p> <p><i>Criteria-1 The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, or general welfare of the community.</i></p> <p><i>Criteria-2 The Conditional Use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for lawfully-permitted purposes, nor substantially diminish or impair property values within the neighborhood and zoning district.</i></p> <p><i>Criteria-3 The establishment of the Conditional Use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.</i></p> <p><i>Criteria-4 Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.</i></p> <p><i>Criteria-5 The proposed use is not in conflict with the goals of the Comprehensive Plan or the Unified Development Ordinance.</i></p> <p><i>Criteria-6 The proposed use is listed as a Conditional Use for the particular zoning district of the subject site.</i></p> <hr/> |

Staff Evaluation of Development Standard Variances

Criteria-1 The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, or general welfare of the community.

Staff Analysis

Conditional use approval for the freestanding pole sign will not be detrimental to or endanger the community. The proposed use meets all required development standards for said facilities and is located within a commercial area adjacent to the interstate.

Criteria-2 The Conditional Use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for lawfully-permitted purposes, nor substantially diminish or impair property values within the neighborhood and zoning district.

Staff Analysis

The use and value of the area adjacent to the property included in the conditional use request will not be affected in a substantially adverse manner. The site is located on a commercial property adjacent to the interstate. The use will have no impact on adjacent commercial and industrial uses.

Criteria-3 The establishment of the Conditional Use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

Staff Analysis

The conditional use approval for a freestanding pole sign will have no impact on the normal and orderly development of surrounding properties. The proposed use is contained within the Flying J property surrounded by existing developed properties.

Criteria-4 Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.

Staff Analysis

All necessary infrastructure and utilities are provided to the site.

Criteria-5 The proposed use is not in conflict with the goals of the Comprehensive Plan or the Unified Development Ordinance.

Staff Analysis

The proposed freestanding pole sign does not conflict with the goals of the Comprehensive Plan or UDO. The sign meets all applicable requirements for consideration of a conditional use.

Criteria-6 The proposed use is listed as a Conditional Use for the particular zoning district of the subject site.

Staff Analysis

According to Unified Development Ordinance Chapter 7.7.H, freestanding pole signs are a Conditional Use within the Planned Business Industrial (PBI) zoning classification.

Staff Recommendation:

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The City of Lebanon Planning Staff recommends approval of the Conditional Use request for a Freestanding Pole Sign.