

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**CITY OF LEBANON PLAN COMMISSION
STAFF REPORT
DECEMBER 20, 2021 PUBLIC HEARING**

A. Case Number	Docket #21-62
B. Applicant	Dr. Philip Cascione
C. Location	The subject property is located at 129 W. Camp St., Lebanon, Indiana 46052.
D. Acreage and Zoning	The subject property contains 0.53 acres and is presently zoned Single-Family Residential (SF2).
E. Parcel(s)	Parcel 1 – 015-42810-00 Parcel 2 – 015-42800-00
F. Existing Land Use	Dentist Office. The property has been used as a dentist office for quite some time. In September 1988, a Use Variance was approved by the Lebanon Plan Commission to allow the dental practice to operate within a residential district.
G. Petition Request	Planning Staff has been approached by the property owner to add additional commercial business to the unoccupied half of the structure. Any change of use, or additional use, that is not the same as the current use must be a permitted use within the zoning district. Because the current zoning is SF2, only residential uses would be permitted. 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 allow other commercial/retail uses at the site without further necessary approvals.
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> <p>Criteria 3 – Desirability of the proposed land use</p> <p>Criteria 4 – Impact on property values</p> <p>Criteria 5 – Responsible growth and development</p>

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 “residential” uses on the Future Land Use Map, but in this case, we are aligning the zoning with what has historically been a commercial use and allowing the existing use to continue.

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	Institutional (IN)	Public Park
South of Subject Property	Single-Family Residential (SF2)	Residential Use
West of Subject Property	Planned Business Commercial (PBC)	Commercial Use
East of Subject Property	Single-Family Residential (SF2)	Residential 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 additional 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. Any physical changes to the development would still be required to undergo Staff review to confirm all standards are met. 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.

Staff Recommendation

In review of the rezoning request to Planned Business Commercial (PBC), Lebanon Planning Staff recommends this petition be forwarded by the Plan Commission to the Common Council with a favorable recommendation.

I. Staff Recommendation