

ORDINANCE NO. 2021-11

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA AMENDING ORDINANCE 2018-07 LEBANON
GATEWAY MARKETPLACE PLANNED UNIT DEVELOPMENT AND ORDINANCE
NO. 07-16, THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF
LEBANON, INDIANA**

WHEREAS, the Common Council of the City of Lebanon, Indiana (the “Common Council”), has heretofore adopted Ordinance No. 07-16 as the City of Lebanon, Indiana Unified Development Ordinance (the “UDO”) pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the City of Lebanon, Indiana (the “City”) is subject to the Unified Development Ordinance; and

WHEREAS, the Common Council previously adopted Ordinance 2018-07, the Lebanon Gateway Marketplace Planned Unit Development, on June 11, 2018; and

WHEREAS, the City Advisory Plan Commission (the “Commission”) considered a petition (DOCKET 21-26), filed with the Commission requesting an amendment to the Unified Development Ordinance, the Zoning Map, and the Lebanon Gateway Marketplace PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”); and

WHEREAS, the Commission forwarded DOCKET 21-26, after a public hearing held on the May 17, 2021, to the Common Council with a favorable recommendation by a vote of 8-0 in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on the May 18, 2021; and

WHEREAS, the Common Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Indiana, meeting in regular session, that the UDO, Zoning Map, and Lebanon Gateway Marketplace PUD Ordinance are hereby amended as follows:

Section 1. Applicability of Ordinance.

1. This Ordinance shall amend the Lebanon Gateway Marketplace PUD Ordinance, as applicable to the Real Estate. The Real Estate shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO, as amended and applicable to the Underlying Zoning District (as defined herein) or Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance. In the event of a conflict between this Ordinance and the

UDO, the provisions of this Ordinance shall apply. Where this Ordinance does not address a specific standard, the standards of the UDO shall apply.

2. Chapter (“Chapter”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.

Section 2. Development Standards. The standards of Chapter 7: Development Standards in the UDO shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

A. Commercial Standards Chart

Standard	
Minimum Lot Size	1.0 Acre
Minimum Lot Size (Off-Premise Sign)	0.1 Acre
Minimum Lot Width at Front Yard Setback	100 ft
Lot Frontage at ROW	100 ft
Minimum Front Yard Building Setback ¹	50 ft
Minimum Front Yard Building Setback (Interstate Frontage) ¹	20 ft
Minimum Front Yard Building Setback (Gateway Avenue Frontage) ¹	30 ft
Minimum Front Yard Building Setback (Ping Avenue/ Ransdell Road Frontage) ¹	25 ft
Minimum Side Yard Building Setback ¹	10 ft
Minimum Rear Yard Building Setback ¹	10 ft
Minimum Front Yard Parking Setback ^{1,2}	10 ft
Minimum Side/Rear Yard Parking Setback ^{1,2}	10 ft
Maximum Building Height	70 ft
Maximum Intensity (Floor Area Ratio)	0.6
Maximum Lot Coverage for All Impervious Surfaces	75%

¹Minimum building and parking setbacks are measured from the property line. All property lines adjacent to Interstate 65 shall be considered a front yard.

²Minimum front, side, rear yard parking setbacks may be reduced by as much as 30% from the required 10 feet, however the percentage reduction shall be accompanied by an increase in the number of required landscape plantings by the same percentage.

B. Landscape Standards. Article 7.8 of the UDO shall apply to the District, except as otherwise modified or enhanced below.

1. Lots within the Interstate Overlay District abutting I-65 shall provide a minimum ten (10) foot width landscape buffer on the property line adjacent to the interstate. This landscape buffer shall be planted with Type B buffer plantings

2. Lots with frontage on State Road 32, Ransdell Road, Ping Avenue, and/or Gateway Avenue shall provide a minimum ten (10) foot width landscape buffer on each property line adjacent to these thoroughfares. This landscape buffer shall be planted with Type A buffer plantings. The required landscape buffer width may be reduced by no more than 30% from the required ten (10) feet, however the percentage reduction shall be accompanied by an increase in the number of required landscape plantings by the same percentage.
3. Where parking lots are adjacent to a required landscape buffer, the parking lot perimeter landscaping requirement of UDO Section 7.8 shall not apply.

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PASSED AND ADOPTED THIS 24 day of May, 2021.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell
Keith Campbell

Keith Campbell

Keith Campbell

John Copeland
John Copeland

John Copeland

John Copeland

Morris Jones
Morris Jones

Morris Jones

Morris Jones

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

ABSENT
Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson
Dick Robertson

Dick Robertson

Dick Robertson

ABSENT
Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2021-11 was delivered to the Mayor of Lebanon on the 24 day of May, 2021, at 8:28pm.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2021-11
this 25 day of May, 2021

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2021-11
this ___ day of _____, 2021

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Legal Description

TRACT I:

A part of the northwest quarter of the southwest quarter of Section 36, Township 19 North, Range 1 West of Second Principal Meridian, and being more particularly described as follows:

From the center of the aforesaid section, proceed south 89 degrees 24 minutes west along the quarter section line 1555.62 feet, said quarter section line being the center line of State Road No. 32 to a place of beginning. From said place of beginning proceed south 89 degrees 24 minutes west along the quarter section line 450.64 feet, thence south 0 degrees 14 minutes west 584.0 feet, thence north 89 degrees 24 minutes east 450.64 feet, thence north 0 degrees 14 minutes east 584.00 feet to the place of beginning. Subject to a 40 foot legal easement for State Road No. 32 along the northern boundary. Located in Lebanon, Boone County, Indiana.

(Ref, Only 6.042 acres, more or less)

ALSO, a part of the northwest quarter of the southwest quarter of Section 36, Township 19 North, Range 1 West of Second Principal Meridian, and being more particularly described as follows:

From the center of the aforesaid section, proceed south 89 degrees 24 minutes west along the quarter section line 2006.26 feet, said quarter section line being the center line of State Road no. 32 to a place of beginning. From said place of beginning proceed south 89 degrees 24 minutes west along the quarter section line 325.0 feet, thence south 0 degrees 14 minutes west 584.0 feet, thence north 89 degrees 24 minutes east 325.0 feet, thence north 0 degrees 14 minutes east 584.0 feet to the place of beginning. Subject to a 40 foot easement for State Road No. 32 along the northern boundary. Located in Lebanon, Boone County, Indiana.

(Ref. Only 4.357 acres, more or less)

EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 19 North, Range 1 West, Boone county, Indiana, and being the part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, Market EXHIBIT "B", described as follows: Commencing at the northeast corner of said quarter section; thence South 89 degrees 50 minutes 16 seconds West 474.154 meters (1,555.62 feet) along the north line of said quarter section to the northeast corner of the grantor's land; thence South 89 degrees 50 minutes 16 seconds West 236.416 meters (775.64 feet) along said north line to the northwest corner of said grantor's land; thence South 0 degrees 40 minutes 16 seconds West 10.608 meters (34.80 feet) along the west line of said grantor's land to the south boundary of S.R. 32 and the point of beginning of this description; thence North 84 degrees 30 minutes 26 seconds East 2.375 meters (7.79 feet) along said south boundary; thence North 88 degrees 21 minutes 00 seconds East 38.801 meters (127.30 feet) along said south boundary; thence along said boundary Northeasterly 146.049 meters (479.16 feet) along an arc to the right having a radius of 6,973.309 meters (22,878.26 feet) and subtended by a long cord having a bearing of North 88 degrees 57 minutes 00 seconds East and a length of 146.046 meters (479.15 feet); thence North 89 degrees 33 minutes 00 seconds East

34.046 meters (111.70 feet) along said south boundary to the west boundary of Ransdell Road; thence South 0 degrees 40 minutes 16 seconds West 32.925 meters (108.02 feet) along said west boundary to point "233" designated on said plat; thence North 13 degrees 26 minutes 37 seconds West 27.538 meters (90.35 feet) to point "232" designated on said plat; thence South 89 degrees 29 minutes 25 seconds West 66.747 meters (218.99 feet) to point "917" designated on said plat; thence Southwesterly 52.870 meters (173.46 feet) along an arc to the left having a radius of 2,482.000 meters (8,143.03 feet) and subtended by a long cord having a bearing of South 88 degrees 52 minutes 48 seconds West and a length of 52.869 meters (173.45 feet) to point "222" designated on said plat; thence South 83 degrees 06 minutes 02 seconds West 88.215 meters (289.42 feet) to point "230" on said plat; thence South 2 degrees 02 minutes 58 seconds East 10.503 meters (34.46 feet) to point "226" designated on said plat; thence South 87 degrees 57 minutes 02 seconds West 7.920 meters (25.99 feet) to the west line of said grantor's land; thence North 0 degrees 40 minutes 16 seconds East 24.857 meters (81.55 feet) along said west line to the point of beginning and containing 0.1952 hectares (0.482 acres) more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as S.R. 32 and as Project 088-3(002)) to and from the grantor's abutting lands along the lines described as follows: The 27.538-meter course, the 66.747-meter course, the 88.215-meter courses described above. Also the Eastern 36.985 meters (121.34 feet) and the Western 4.194 meters (13.76 feet) of the 52.870-meter course described above. These restrictions will be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

TRACT II:

A part of the Northeast Quarter of the Southeast Quarter of Section 35 and part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 19 North, Range 1 West, situated in the City of Lebanon, Center Township, Boone County, Indiana, more fully described by:

Commencing at the Northeast corner of the Southwest Quarter of said Section 36, thence North 00 degrees 37 minutes 19 seconds East 47.37 feet, thence South 89 degrees 24 minutes 00 seconds west along a line, being the Easterly extension of the centerline of State Road 32, directly adjacent to said subject property, 2331.36 feet; thence South 00 degrees 14 minutes 00 seconds West 121.88 feet to the point of beginning; thence along the West described line of the Daniels Business Park, LLC Property recorded as Instrument Number 031690, Boone County Recorder's Office, South 00 degrees 14 minutes 00 seconds West 462.12 feet; thence along the South described line of said Daniels Business Park, LLC Property, North 89 degrees 24 minutes 00 seconds East 773.13 feet; thence along the East right of way line of Ransdell Road (see right-of-acquisition by Cause No. 2091 and D.R. 184, Page 425) South 00 degrees 14 minutes 00 seconds West 287.89 feet; thence along the center line of the Central Indiana Railway Company (abandoned) South 65 degrees 06 minutes 47 seconds West 799.10 feet to a curve having a radius of 9291.21 feet, the radius point of which bears North 50 degrees 34 minutes 59 seconds East; thence Northwesterly along said curve which is the center line of the U.S. 52 By-Pass right-of-way (I65) 766.73 feet to a point which bears South 55 degrees 18 minutes 40 seconds West from said radius point; thence North 89 degrees 24 minutes 00 seconds East 89.87 feet; thence along the Section line, North 00 degrees 14 minutes 00 seconds East 212.46 feet; thence North 17 degrees 41 minutes 01 seconds West 69.07 feet; thence along the East described line of the State of Indiana Property recorded as Instrument Number 0310857, North 01 degrees 43 minutes

08 seconds East 182.09 feet; the following three courses are along the Southern described line of said State of Indiana Property;(1) thence North 83 degrees 43 minutes 16 seconds East 316.09 feet; (2) thence South 01 degrees 29 minutes 04 seconds East 30.01 feet; (3) thence North 88 degrees 30 minutes 56 seconds East 26.55 feet to the point of beginning, containing 14.535 acres, more or less.

LEBANON ADVISORY PLAN COMMISSION CERTIFICATION

The Lebanon Advisory Plan Commission (the "Commission") held a public hearing on May 17, 2021, to consider an Amendment to the Lebanon Gateway Marketplace Planned Unit Development Ordinance. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Boone County, Indiana. The proposal is as follows:

Docket No.: 21-26

Ordinance/Resolution No.: 2021-11

Petitioner: Kennmar Development

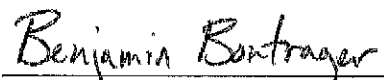
Description: Amendment to the Lebanon Gateway Marketplace Planned Unit Development Ordinance

On May 17, 2021, a motion was made and passed to send a **favorable recommendation** for the amendment (Vote: 8 in favor, 0 opposed) to the Lebanon City Council.

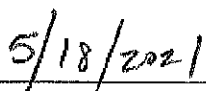
The above-mentioned proposal and the Commission's recommendation thereof are hereby certified.



Commission Secretary



Commission Secretary (Printed)



Date

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**PLAN COMMISSION REPORT
TO COMMON COUNCIL**

A. Case Number	Docket # 21-26
B. Applicant	Jason Miller representing KennMar LLC
C. Location	The subject property, Lebanon Gateway Marketplace, is located at the southeast corner of South Street and Interstate 65.
D. Acreage	The subject property contains 20.74 acres.
E. Current Zoning	The property is currently zoned Planned Unit Development (PUD).
F. Current Land Use	Retail
G. Adjacent Land Uses	North: Commercial/Retail East: Commercial/Industrial South: Undeveloped/Industrial West: Interstate 65
H. Action Requested	<p style="text-align: center;">Lebanon Gateway Marketplace PUD Ordinance Amendments</p> <p>Staff was approached by representatives from KennMar expressing challenges with developing two of the lots within Lebanon Gateway Marketplace because of the building setback requirements associated with Ping Avenue and Ransdell Road. Lot 4 and 5 are on either side of Ping Avenue and three sides of each lot are located on a street frontage, thus having to meet front yard setbacks, which include larger dimensions, rather than side or rear setbacks. With front setbacks required on multiple sides, the applicant has found it difficult to develop the lots based on clients needs while still meeting setback requirements. Staff worked with the applicant to propose amendments to the PUD ordinance to reduce the building and parking setback requirements on Ping and Ransdell to allow additional flexibility on building and parking placement, while still providing for quality design.</p> <p>The following are specific descriptions for each amendment:</p> <p>Commercial Standards Chart – Minimum Front Yard Building Setback (Ping Avenue/Ransdell Road Frontage) The front building setback on Ping Avenue and Ransdell Road has been reduced from 50 feet to 25 feet. This will allow for additional flexibility on building placement and size for Lot 4 and 5, which are currently restricted to front building setbacks on multiple sides of the lots.</p> <p>Commercial Standards Chart – Front/Side/Rear Yard Parking Setback The required parking setback remains at 10 feet, however, a reduction of up to 30% is permitted, but must be accompanied by an increase in the number of required</p>

landscape plantings by the same percentage. For example, if the setback is reduced from 10 to 7 feet (30% reduction), the landscape plantings shall be increase from 4 trees and 10 shrubs every 100 feet to 5 trees and 13 shrubs.

**I: Plan Commission
Action:**

Plan Commission Action:

The Advisory Plan Commission held a public hearing regarding the PUD amendment at their regularly scheduled 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).