

ORDINANCE NO. 2011-05

**AN ORDINANCE REZONING PROPERTY
AND CHANGING THE ZONING MAPS
OF THE CITY OF LEBANON, INDIANA
(Co-Alliance LLP; LPC Case No. 11-17)**

WHEREAS, the Petitioner and Owner, Co-Alliance LLP, filed its Zoning Amendment Application before the Lebanon Area Plan Commission, seeking to rezone approximately 2.23 acres, more or less, in Center Township, Boone County, Indiana, said property having a common address of 817 West Pearl Street, Lebanon, Indiana, and a tax parcel ID # 015-03690-00 (the "Property") from the ID (Industrial) Classification to the NB (Neighborhood Business) Zoning Classification; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Lebanon Area Plan Commission conducted the required Public Hearing and voted unanimously in support of the re-zoning petition of the Property on June 20, 2011; and certified its favorable recommendation to the legislative body, the Lebanon City Council on June 20, 2011; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Lebanon City Council, having considered the Application and the recommendation of the Lebanon Area Plan Commission now adopts the proposal and approves the requested rezoning.

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

1. The Petitioner, Co-Alliance LLP, is the Owner of the Property.
2. The Petitioner seeks to have the Property with common address of 817 West Pearl Street, Lebanon, Indiana and a tax parcel ID #015-03690-00, said Property being comprised of approximately 2.23 acres, which is currently designated as ID Zoning Classification rezoned to the NB Zoning Classification:
3. That the Lebanon City Council has paid reasonable regard to applicable comprehensive plans; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.
4. That from and after this date, the official zoning maps of the City of Lebanon, Indiana shall be changed to rezone the subject Property from the ID Zoning Classification to the NB Zoning Classification. Further, the Plan Director of the City of Lebanon Plan Commission is hereby

authorized to change the official zoning maps consistent with this ordinance.

ALL OF WHICH IS ADOPTED this 27 day of JUNE, 2011
by the Lebanon City Council of the City of Lebanon, Indiana.

LEBANON CITY COUNCIL

Harold "Huck" Lewis

Harold "Huck" Lewis, Mayor

Keith Campbell

Keith Campbell

John D. Copeland

John Copeland

Mike Kincaid

Mike Kincaid

Lana M. Kruse

Lana Kruse

Jeremy Lamar

Jeremy Lamar

Steve Large

Steve Large

Richard Robertson

Richard Robertson

ATTEST:

Debbie Ottlinger

Debbie Ottlinger,
Clerk-Treasurer, City of Lebanon, Indiana

PLAN COMMISSION'S CERTIFICATION OF REQUEST TO REZONE
817 West Pearl Street

TO: Lebanon City Council
FROM: Lebanon Plan Commission
PLAN COMMISSION'S RECOMMENDATION: Favorable

Plan Commission
File No. 11-17

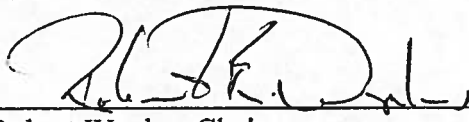
On June 20, 2011 the Lebanon Plan Commission held a public hearing on a proposed amendment to the official Zoning Map of the City of Lebanon relating to property located at 817 West Pearl Street in the City of Lebanon. The property is owned by Co-Alliance LLP and consists of approximately 2.23 acres, as more particularly described in the staff report dated June 20, 2011. The request seeks to change the zoning classification from Industrial (ID) to Neighborhood. Business (NB). After discussion and deliberation, the members of the Plan Commission unanimously voted (6-0) to certify the proposal to the City Council with a favorable recommendation.

The Plan Commission hereby certifies the proposed rezoning to the City Council with a favorable recommendation.

SIGNED this 20th day of June, 2011.

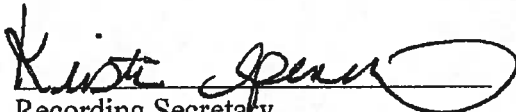
CITY OF LEBANON, INDIANA
PLAN COMMISSION

By its Chairman, Robert Waples



Robert Waples, Chairman

ATTEST:



Recording Secretary

City of Lebanon Common Council Planning Report

Location:	817 West Pearl Street
Area:	2.23 Acres
Number of Parcels:	1
Existing Land Use:	Business
Proposed Land Use:	Office
Owner:	Co-Alliance
Applicant:	Co-Alliance
Current Zoning:	Industrial "ID"
Request:	Rezone to Neighborhood Business "NB"

Background

The Council is requested to consider an amendment to the Official Zoning Map of the City of Lebanon regarding the zoning classification for 817 West Pearl Street. This is approximately 2.23 acre parcel of land developed with a three buildings that function as storage and office space. The site has been used as a business site for a number of years. The Unified Development Ordinance requires the Plan Commission to consider the rezoning and make a recommendation to the Common Council.

Considerations

The City of Lebanon Unified Development Ordinance offers several standards to guide the Council when deliberating a proposed rezoning. The standards are as follows:

- Consistency with the goals, objectives, and policies of the Comprehensive Plan
- Compatibility with surrounding development
- Desirability of the proposed land use
- Affect on property values
- Responsible growth and development

This report will consider each of these factors and offer the staff recommendation based upon them.

Consistency with Comprehensive Plan

The subject property is shown as "Business" on the Future Land Use Map. The north side of 32 is zoned Neighborhood Business.

A change to NB (Neighborhood Business) would be consistent with the Comprehensive Plan.

Compatibility with Surrounding Development

A combination of Industrial, light business and residential is the norm for this area. A Neighborhood Business classification would be more in line with the character of the area.

Desirability of Proposed Land Use

This property has been used as a "Business" for many years.

Affect on Property Values

The area is currently zoned "ID" Industrial. ID zoning has the potential to have a negative impact on the value of residential properties. NB does not allow many Industrial uses and becomes a friendlier mix with residential properties.

Responsible Growth and Development

The Plan Commission is responsible for setting the overall direction of the orderly expansion and preservation of the community. A part of this undertaking is to set aside an adequate supply of land for residential, commercial, and industrial uses.

Recommendation

The subject parcel should be rezoned from ID (Industrial) to NB (Neighborhood Business)

Report Prepared By:

Report Reviewed By:

Charlie Campbell
Director, Planning & Zoning Administration
February 10, 2011

FILE *6-17-2011*

For Office Use Only

File No. 11-17

Fees Paid Yes No

2010
CITY OF LEBANON

APPLICATION FOR **REZONE** OF PROPERTY AND AMENDMENT TO THE ZONING ORDINANCE

Project Address/ Location 817 W Pearl St. Lebanon
(attach legal description)

Parcel ID No. 0150369000 Area (2.23 acres 1 lots)

Existing Zoning ID *Requested*
~~Current Zoning~~ "NB"

Township Center Subdivision and Lot # N/A

Existing land use Business Proposed land use Business

Name of Applicant/ Contact Person Co-Alliance LLP

Phone (317) 745-4491 Fax Fax: (317) 718-1850 Email _____

Address 5250 E. US Hwy 36 / Building 1000 / Avon, IN 46123

Name of Property Owner Co-Alliance LLP

Phone Same Fax Same Email _____

Address Same

Application Fee \$ 300.00

Procedures

1. The applicant shall first schedule a meeting with staff to discuss the proposed zoning classification in relationship to the Lebanon Comprehensive Plan prior to filing.
2. The applicant shall confer with Lebanon Utilities regarding sewer and utility availability.
3. Applicant shall submit an application, conceptual site plan and pay filing fees at least four (4) weeks prior to being placed on Lebanon Plan Commission agenda.
4. Prior to Plan Commission
 - a. Planning staff will review the conceptual site plan and prepare comments recommending approval or requesting revisions.
 - b. The Plan supporting documentation shall be available at the time of notice for the public hearing is published.
5. The Plan Commission meets the 3rd Monday of each month.

2010 Plan Commission Meetings 7:00 p.m.

- | | |
|----------------------------|----------------------------|
| Tuesday, January 19, 2010 | Monday, July 19, 2010 |
| Tuesday, February 16, 2010 | Monday, August 16, 2010 |
| Monday, March 15, 2010 | Monday, September 20, 2010 |
| Monday, April 19, 2010 | Monday, October 18, 2010 |
| Monday, May 17, 2010 | Monday, November 15, 2010 |
| Monday, June 21, 2010 | Monday, December 20, 2010 |

AFFIDAVIT AND CONSENT OF PROPERTY OWNER

If the owner(s) of the subject is/are giving authorization for someone else to apply for the variance, this Affidavit must be completed and signed by the owner(s), and submitted with the Application.

I (we) Co. Alliance, LLP, being duly sworn, state as follows:
(owner of subject property)

I am a competent adult, over 21 years of age, and have personal knowledge of the matters stated in this affidavit.

I (we) am (are) the owner(s) of the property commonly known or legally described as
817 W. Pearl Street Lebanon, IN
(property address or legal description)

I (we) are aware of the rezoning requested by Love Inc of Boone County, Inc
(applicant's name)

relating to my property, and I (we) authorize the applicant to seek this rezoning.

I affirm under the penalties of perjury that the foregoing statements are true and correct.

[Handwritten Signature]
Signature

5-17-11
Date

Signature

Date

4 4.12 Neighborhood Business (NB)



A. DISTRICT INTENT:

The NB (Neighborhood Business) zoning district is a mixed-use neighborhood district in close proximity to downtown and with close proximity to convenience goods, services, and amenities. Lot sizes are smaller and density higher than other residential districts. This district could permit the development of mixed-use. This district should be protected from non-neighborhood serving land uses such as "big box" retail uses or other non-compatible commercial or industrial uses.

B. PERMITTED USES

Residential
dwelling secondary (on upper floors of first-floor retail/office use)
dwelling single-family (including manufactured homes)*
dwelling two-family*
nursing / convalescent home

Transportation Services
automobile / motorcycle sales area and leasing (open)

Communications / Utilities
utility company business office

Institutional/Public Uses
community center
fire station or police station
government facility (non-office)
government office
hospital
kindergarten or day nursery
library
museum or gallery
post office

Entertainment Services
banquet or assembly hall
bowling alley
dancing academy / martial arts / gymnastics studio

lodge or private club
miniature golf course
retreat center
skating rink (roller/ice)
swimming pool (private)
theater (indoor); excluding, adult motion picture theater; and adult mini-motion picture theater

Professional Services
administrative/professional office
bank / financial institution
business/financial services office
clinic (medical/dental) or health center
conference center
employment service
investment firm
office building
print shop/copy center
veterinary hospital for small animals

Retail / Wholesale Sales
antique shop
apparel shop
art or photo gallery
auction facility (excluding livestock)
book store
building finishes shop (paint, carpet, wallpaper, etc.)
convenience store (without gas station)
craft/fabric store
dressmaking

flower shop
garden shop / retail nursery
gift shop
grocery store
hardware store
ice cream shop
jewelry store
liquor store
newsdealer
office supply store
pet store
record/CD/video/musical instrument shop
sporting goods shop
stationery shop
supermarket
variety store
vendor, temporary (farmer's market, street fair, etc.)

Equipment Services
electric appliance shop
home electronics/appliance store
repair services (small appliances, jewelry, alterations, etc.)

Food Sales & Service
bakery (retail)
coffee shop
delicatessen
meal market
microbrewery/brew-pub
restaurant

Personal Services
barber shop
beauty shop
child care / day-care center
dry cleaning establishment (retail)
fitness center
funeral home
health spa
laundry (self-service)
massage therapy (by licensed massage therapist)
pharmacy
photographic studio
shoe repair shop
tailor and pressing shop
tanning salon

C. CONDITIONAL USES

Agriculture
farmer's market (permanent)

Residential
bed & breakfast facility
boarding house
child day care home
dwelling, accessory apartment ("granny flat")
dwelling multifamily
home occupation
assisted living facility
residential facility for the developmentally disabled type II
residential facility for the mentally ill
retirement facility (senior housing)

Transportation Services
auto parts sales (without on-site repair)
automobile filling station
automobile / motor vehicle repair, (major): engine rebuilding or major reconditioning of motor vehicles, including body work, frame or fender straightening or repair, transmission repair and painting of vehicles.
automobile / motor vehicle repair, (minor) including: oil changes/lubrications, brake replacement, muffler replacement, tire servicing, radiator cleaning and flushing, water hose replacement, windshield wipers, etc.
car wash

Park, Recreation, Natural Areas
artificial lake of three or more acres
park or recreational facility (playgrounds and athletic facilities)

Communications / Utilities
utility substation

Institutional/Public Uses
church or temple
college building
institution for the developmentally disabled/mentally ill
school (any combination of k-12), public and private
trade or business school
university or college

Entertainment Services
bar or tavern or night club
billiard room or arcade
outdoor commercial recreational enterprise (carnival, amusement park, etc.)
recreational development (private)
swimming pool (public)
winery

Professional Services
data processing / call center

Retail / Wholesale Sales
construction services
department store, including any facility (whether or not attached) associated with such department store for the sale of tires, batteries, automobile accessories and lubrication and for the servicing and repair of motor vehicles incidental to such sales
shopping center

Food Sales & Service
drive thru restaurant

Warehousing / Industrial
mini-warehouse self-storage facility

NOTES:

1. The Building or Fire Code enforcement official of the City of Lebanon shall have the authority to require or increase a Fire-Protection Rating in any structural assembly of an approved multifamily dwelling or mixed-use occupancy that includes a residential occupancy.
2. Development Plan required.

4 4.16 General Industrial (ID)



A. DISTRICT INTENT:

The ID (General Industrial) zoning district is intended to provide for general industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. The ID district is intended to be located in areas with good access to major thoroughfares and where large shipping truck traffic does not disrupt local streets. This district should be used to support industrial retention and expansion in Lebanon.

Administrative offices, banks, and other commercial services shall be allowed at the discretion of the Plan Commission and shall remain incidental to the industrial uses.

B. PERMITTED USES

Agriculture
 crop production*
 farm equipment sales and service
 fertilizer sales, distribution, & storage
 raising and breeding of non-farm
 fowl and animals, commercially,
 except kennel
 seed sales, distribution, & storage

Transportation Services
 auto parts sales (without on-site
 repair)
 automobile filling station
 automobile / motor vehicle repair,
 (major): engine rebuilding or
 major reconditioning of motor
 vehicles, including body work,
 frame or fender straightening or
 repair, transmission repair and
 painting of vehicles.
 automobile / motor vehicle repair,
 (minor) including: oil changes/
 lubrications, brake replacement,
 muffler replacement, tire
 servicing, radiator cleaning and
 flushing, water hose replacement,
 windshield wipers, etc.
 automobile / motorcycle sales area
 and leasing (open)
 mobile home sales area and leasing
 (open)
 car wash
 recreational vehicle sales and service
 truck freight terminal

Communications / Utilities
 recycling center
 utility company business office

Institutional/Public Uses
 fire station or police station
 government facility (non-office)
 government office
 post office

Professional Services
 data processing / call center

Retail / Wholesale Sales
 building supply store
 construction services
 farm equipment sales and service
 (enclosed)
 greenhouse, commercial
 roadside sales stand

Equipment Services
 electric appliance shop
 repair services (small appliances,
 jewelry, alterations, etc.)

Food Sales & Service
 bakery (wholesale)

produce terminal, wholesale

Personal Services
 laundry service (large-scale)

Warehousing / Industrial
 agricultural products terminal
 assembly facility
 boat/RV storage facility (outdoor)
 contractor's warehouse/storage
 facility (unenclosed)
 contractor's warehouse/storage
 facility (enclosed)
 fabrication facility
 food & beverage production
 lumber yard
 manufacturing facility
 mini-warehouse self-storage facility
 packaging facility
 printing/publishing facility
 research and development facility
 semi-tractor/trailer storage
 tool and dye shop
 truck terminal
 warehouse / distribution facility

C. CONDITIONAL USES

Agriculture
 nursery, wholesale

Transportation Services
 airport
 airstrip (private)
 heliport
 motor bus or railroad passenger
 station
 parking lot or structure (as a
 principal use)
 truck stop / travel center
 truck sales & service center

**Park, Recreation, Natural
 Areas**
 artificial lake of three or more acres
 campground / RV park

Communications / Utilities
 composting facility (indoor)
 composting facility (outdoor)
 garbage transfer station
 sanitary fill or refuse dump
 sewage treatment plant
 telecommunications / radio /
 television tower
 utility substation
 water tower
 wellfield/water treatment facility

Institutional/Public Uses
 animal shelter
 cemetery
 crematory
 penal or correctional institution
 power generating plant

Entertainment Services
 adult uses
 outdoor commercial recreational
 enterprise (carnival, amusement
 park, etc.)
 recreational development (private)

seasonal fishing or hunting lodge
 shooting range (outdoor)
 shooting/archery range (indoor)
 theater (outdoor); excluding adult
 drive-in theater
 theater (adult drive-in)

Professional Services
 administrative/professional office
 bank / financial institution
 business/financial services office

Retail / Wholesale Sales
 fireworks sales (permanent)
 manufactured home sales





Personal Services
 kennel

Warehousing / Industrial
 animal & animal products
 processing
 bottle gas storage & distribution
 concrete/asphalt production facility
 explosive manufacturing and storage
 inoperable vehicle storage
 junk/scrap metal yard
 mineral extraction, borrow pit, top
 soil removal, and their storage
 areas
 petroleum and chemical processing
 and storage
 power generation facility
 (commercial)
 waste incinerator

NOTES:

1. All permitted uses in the ID district require development plan review to ensure that the health and safety of Lebanon residents is not compromised.

-  Parcels From County
-  Field Collected Address
-  Field Collected Address

-  Roads
-  City Limits 2009
-  Highways
-  Field Collected Address

