

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
CONDITIONAL USE STAFF REPORT
SEPTEMBER 6, 2022 PUBLIC HEARING**

A. Case Number:	Docket #22-60
B. Applicant:	Superior Auto, Inc.
C. Location:	The location of the subject property is 1317 West South Street, Lebanon, IN 46052.
D. Acreage and Zoning	The subject property is approximately 0.42 acres in size and is currently zoned Planned Business Commercial (PBC) and within the Thoroughfare Overlay District.
E. Property History:	<p>Board of Zoning Appeals This is the first time this petition has appeared in front of the City of Lebanon Board of Zoning Appeals. The property currently contains an approximately 3000 square foot primarily vacant commercial building and associated parking lot.</p>
F. Conditional Use Determination:	<p>Petitioner Request: Conditional Use The applicant is seeking a Conditional Use approval to allow the subject property to be used for used motor vehicle sales. The applicant, Superior Auto, is required to move from their current location on North Lebanon Street to make way for a redevelopment of that site for Taco Bell and 7 Brew. The applicant is working with the current owner of the subject property to lease and improve the property as their new sales location. In 2009 (Council Ordinance 09-04), the UDO Section 6.1.H was updated such that Motor Vehicle Sales became a conditional use application in the Thoroughfare Overlay District rather than prohibited, thus the applicant has filed for conditional use approval.</p> <p>Superior Autos, Inc. Project Narrative (from application submittal) Superior Auto Inc. is intending to relocate their currently operating used car dealership facility located at 2437 North Lebanon Street, Lebanon, IN 46052 to a new location. Our dealership has been operating at its current location for over 14 years and is well established in the City of Lebanon.</p> <p>We are now wanting to relocate our business to a vacant building that is located at 1317 West South Street, Lebanon, IN 46052. This property sits 2 parcels east of Ransdell Rd, has frontage on W South St. (IN-32) and is approximately 1,400 feet East of the 1-65 interchange. The property is currently zoned Planned Business Commercial (PBC) and remains in the Thoroughfare Overlay as per the City of Lebanon's Unified Development Ordinance. Used car sales businesses are a permitted use as per the subject property's current zoning classification. However, with the establishment of the Thoroughfare Overlay District, Used Motor Vehicle Sales initially became a prohibited use, then was amended to a conditional use in 2009. Thus, why we are requesting conditional use approval for the property.</p>

We make this request based on the historic and current uses in the immediate vicinity. Immediately adjacent to the west of the subject property is an old gas station that currently houses a local HVAC company. To the immediate east is a liquor store which is owned by the individual that would be leasing the subject property to Superior Auto - both of these immediate neighbors are supportive of our plan to operate next door to them. Then, adjacent to that on the same side of the road and in the same quadrant, the following uses are currently in place: a small office building, another local HVAC company's office/warehouse and an Autozone. Directly across the street and along the same quadrant, you will find a BBQ restaurant with attached flex space and 2 garages used for auto service and car storage, and the other uses in that quadrant are, two tire repair and sales facilities, a concrete cutting and coring business and an automotive collision center. Given the immediate area, it indicates that an auto sales business would be a natural fit at the subject location and is cohesive with the surrounding uses.

As well, as further consideration for the overall review of our request, it is pertinent to note that the current building is falling into disrepair, needs an exterior face-lift to be visually attractive, and could stand to benefit from further revitalization with our tenancy/use at the property. If conditional use approval is granted, Superior Auto and the current Owner would have plans to rehab the building and lot by performing the following work: new roof on the structure, exterior painting of the entire building including the brick, new HVAC system and ancillary electric or plumbing changes needed, new flooring, the parking lot sealed and striped, adding landscaping to front and side of the property and adding new signage to the property. These items would be sourced to other local and/or state-based contractors in the area. The overall look of the property would be greatly enhanced and would further improve the area.

G. Conditional Use Evaluation:

**Conditional Use Evaluation Criteria
Unified Development Ordinance
Section 9.5. B-Procedures**

The following evaluation criteria must be complied with prior to the issuance of any Conditional Use approval:

Evaluation Criteria-1 The proposed use is listed as a Conditional Use for the particular zoning district of the subject site

Used Motor Vehicle Sales is a permitted use within the Planned Business Commercial (PBC) zoning district. However, per the Unified Development Ordinance (UDO) Section 6.1.H as amended by Council Ordinance 09-04, Motor Vehicle Sales is identified as a Conditional Use in the Thoroughfare Overlay District.

Evaluation Criteria-2 The established, maintenance, or operation of the Conditional Use will not be determined to or endangered the public health, safety, morals, or general welfare of the community.

The applicant's proposal for a used motor vehicle sales operation will not be detrimental to the public health, morals, or general welfare of the community.

Evaluation Criteria 3-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.

The applicant's proposed project will not impair the use and enjoyment of other properties in the immediate vicinity or the property values in the neighborhood and zoning district. The proposed use is on an existing commercial corridor that already contains a mix of auto related uses including major repair and parts sales.

Evaluation Criteria 4-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.

The proposed development will not impede or substantially alter the normal and orderly development and improvement of surrounding property. The proposed use is a re-use of an existing site. Access to the site will remain the same and improvements proposed by the applicant are primarily cosmetic and will not change the way the site is used or impact surrounding properties.

Evaluation Criteria 5-Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.

All required utilities and transportation infrastructure is already provided to this infill site.

Evaluation Criteria 6-The proposed use is not in conflict with the goals of the Comprehensive Plan or the Unified Development Ordinance.

The reuse of this site for the proposed used motor vehicle sales operation is not in conflict with the City of Lebanon Comprehensive Plan or Unified Development Ordinance. The Comprehensive Plan identifies this corridor as appropriate for commercial uses.

**H. Staff
Recommendation:**

Staff Recommendation

In review of the requested Conditional Use for the allowance of a Motor Vehicle Sales use in the Thoroughfare Overlay District, Lebanon Planning Staff Recommends approval subject to the following conditions:

1. That the applicant reserve and leave available 7 parking spaces for employees and customers. These spaces shall be marked as "Employee and Customer Parking Only" and shall not be used for storage or display of vehicles for sale.
2. That the applicant install a minimum of 4 trees and 10 shrubs along the north and west perimeters of the parking area adjacent to South Street.
3. Any dumpster placed on site shall include a dumpster enclosure meeting the requirements of the Unified Development Ordinance.