

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
STAFF REPORT
APRIL 4, 2022 PUBLIC HEARING**

Case Number:	Docket #22-29
Applicant:	Tommy Polster for GM Development Companies, LLC
Location:	The subject property is located at the approximate address of 1400 West SR 32, Lebanon, Indiana 46052.
Acreage and Zoning	The subject property is currently zoned Planned Business Commercial (PBC) and is comprised of 12.83 acres. An application has been submitted to the Plan Commission to rezone the subject property to Planned Business Industrial (PBI).
Property History:	<p>History of Property: This is the first time the requested Development Standards Variances have appeared before the City of Lebanon Board of Zoning Appeals. The site is currently undeveloped agricultural property.</p> <p>Lebanon Planning Staff Determination: GM Development Companies is partnering with the Lebanon Redevelopment Commission to construct a 50,400 square foot industrial shell building to market to a variety of targeted advanced manufacturing industries. Due to the desired flexibility and expansion capabilities of the site, several variances are necessary based on the proposed conditions.</p>
Variance Request(s):	<p style="background-color: #e0e0e0;">Applicant Request: Development Standard Variance Request</p> <p>Variance Request #1 – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The UDO requires all parking areas to include parking lot perimeter landscaping. The applicant is proposing to meet this requirement for the customer/employee parking area on the south side of the proposed building, but is requesting relief from this requirement along the truck drive and around the truck court on the east side of the building. The subject site is planned to include a second building and expanded truck court to the east, which would require the removal of the perimeter landscaping when the expansion is constructed.</p> <p>Variance Request #2 – Parking Area Curbing UDO Section 7.5.C.3 The UDO requires that all parking areas for non-residential uses shall be completely curbed. The applicant is proposing required curbing along the entrance drive and customer/employee parking area, but is requesting relief from this requirement along the truck drive and around the truck court. Due to the planned expansion of</p>

	<p>the truck court for the second building, any installed curbing would need to be removed as a result.</p> <p>Variance Request #3 – Building Materials UDO Section 6.1.L.2.a The Thoroughfare Overlay District requires all commercial uses to be constructed of 50% masonry, with the remaining portion permitted to be masonry, concrete panels, architectural metal, EIFS, etc. Metal building and post building construction is not permitted. The applicant is proposing a modern insulated metal panel (finished metal on the interior and exterior of the panel with an insulated core) design for a majority of the building with an approximately 25% masonry front. The use of metal panels allows for greater flexibility on the sides and rear of the building if a potential tenant desires a building expansion or additional dock doors. The metal panels can be removed and replaced much easier than a traditional precast concrete panel that needs to be cut to accommodate doors.</p> <p>Evaluation of Variance(s) Statutory Authority of BZA for Reviewing Variances. 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 variance from the development standards in the Ordinance. Per Indiana Code (IC) 36-7-4-918.5; No variance in the application of the provisions of the ordinance 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 each of development standard variances listed above has been reviewed based on the following (3) statutory criteria:</p> <p style="text-align: center;"><i>Statutory Criteria</i></p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p><i>Criteria-3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p>
<p>Variance #1:</p>	<p>Staff Evaluation of Development Standard Variances</p> <p>Variance Request – Parking Lot Perimeter Landscaping UDO Section 7.8.J.3 The applicant is requesting relief from the parking lot perimeter landscaping requirement along the truck drive and around the truck court on the east side of the building to allow for potential expansion for a second building.</p>

	<p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the perimeter landscaping requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community.</p> <p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p><i>Staff Analysis</i> The requested variance for relief from the perimeter landscaping requirement will not affect the use and value of the area adjacent to the property in an adverse manner. The request to eliminate landscaping adjacent to vehicle/truck access areas is consistent with other similar uses. Additionally, this area will have low visibility from State Road 32.</p> <p><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Given the flexible nature of the site and desire to allow for the construction of a second building, any landscaping installed in the identified areas would have to be removed to accommodate the expansion.</p>
Staff Recommendation:	<p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the perimeter landscaping requirement of the Unified Development Ordinance.</p>
Variance #2:	<p>Variance Request #2 – Parking Area Curbing UDO Section 7.5.C.3</p> <p>The applicant is requesting relief from the parking area curbing requirement along the truck drive and around the truck court to accommodate the planned second building and truck court expansion.</p> <p style="text-align: center;">Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the parking area curbing requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The property will meet all applicable drainage requirements prior to construction.</p>

<p>Staff Recommendation:</p> <p>Variance #3:</p>	<p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p><i>Staff Analysis</i> The requested variance for parking lot curbing will not affect the use and value of the area adjacent to the property in an adverse manner. The request for relief from curbing would be consistent with other similar properties in the area.</p> <p><i>Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.</i></p> <p><i>Staff Analysis</i> The strict application of the terms of the UDO will result in practical difficulties in the use of the property. Given the flexible nature of the site and desire to allow for the construction of a second building, any curbing installed in the identified areas would have to be removed to accommodate the expansion.</p> <p>Staff Recommendation: The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the parking area curbing requirements of the Unified Development Ordinance.</p> <p>Variance Request #3 – Building Materials UDO Section 6.1.L.2.a The applicant is requesting relief from the 50% masonry requirement on all four sides to allow for the construction of a building with approximately 25% masonry on the front with the remaining facades constructed with insulated metal panels.</p> <p>Staff Evaluation of Development Standard Variances</p> <p><i>Criteria-1 The approval will not be injurious to the public health, safety, morals, and general welfare of the community.</i></p> <p><i>Staff Analysis</i> The relief from the building material requirement poses no imminent threat to the public health, safety, morals, or general welfare of the community. The proposed building will meet all applicable building codes for construction with said materials.</p> <p><i>Criteria-2 The use and value of the area adjacent to the property included in the variance will not be affected in a substantial adverse manner.</i></p> <p><i>Staff Analysis</i> The requested variance for building materials will not affect the use and value of the area adjacent to the property in an adverse manner. The materials proposed are consistent with other industrial buildings in the area and will include variations in color and design to add interest.</p>
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Criteria -3 The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.

Staff Analysis

The strict application of the terms of the UDO will result in practical difficulties in the use of the property. The proposed structure is a shell building and is intended to be constructed in a way that it is most flexible and can meet the particular requirements of the future tenant. The metal panels have greater flexibility than the typical precast concrete allowing for easier variations to add truck dock doors and expand the building.

Staff Recommendation:

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The City of Lebanon Planning Staff recommends approval of the Development Standards Variance request to permit relief from the building materials requirements of the Unified Development Ordinance.