

ORDINANCE NO. 2022-01

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA REZONING PROPERTY AND AMENDING THE
ZONING MAP OF THE CITY OF LEBANON, INDIANA**

WHEREAS, the petitioner, Golden Eagle Lodging Management LLC, filed an Application for Rezone before the City of Lebanon Plan Commission, seeking to rezone approximately 2.68 acres, more or less, in Center Township, Boone County, Indiana, said property being located at 1245 W State Road 32, Lebanon, Indiana and more particularly described in Exhibit A and B, from the Planned Business Industrial (PBI) zoning classification to Planned Business Commercial (PBC) zoning classification; and,

WHEREAS, pursuant to Indiana Code 36-7-4-608, the City of Lebanon Plan Commission conducted the required Public Hearing on December 20, 2021 and voted 6-0 to send a favorable recommendation of the rezoning petition of the Property and certified its favorable recommendation to the legislative body, the City of Lebanon Common Council, on December 21, 2021; and,

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

- Section 1.** That the Petitioner, Golden Eagle Lodging Management LLC, is the Owner of the Property.
- Section 2.** That the Petitioner seeks to have the Property, comprised of approximately 2.68 acres and located at 1245 W State Road 32, Lebanon, Indiana and more particularly described in Exhibit A and B, rezoned from the Planned Business Industrial (PBI) zoning classification to Planned Business Commercial (PBC) zoning classification.
- Section 3.** That the City of Lebanon Common 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.
- Section 4.** That from and after this date, the Official Zoning Map of the City of Lebanon, Indiana shall be changed to rezone the subject Property from the Planned Business Industrial (PBI) zoning classification to the Planned Business Commercial (PBC) zoning classification. Further, the Director of

Planning of the City of Lebanon Planning Commission is hereby authorized to change the Official Zoning Map consistent with this Ordinance.

ALL OF WHICH IS ADOPTED this 24th day of JANUARY, 2022 by the Lebanon Common Council of the City of Lebanon, Indiana.

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

Sierra Messenger
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 2022-01 was delivered to the Mayor of Lebanon on the 25th day of January, 2022, at 2:00 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-01
this 27 day of January, 2022

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2022-01
this ___ day of _____, 2022

Matthew T. Gentry, Mayor

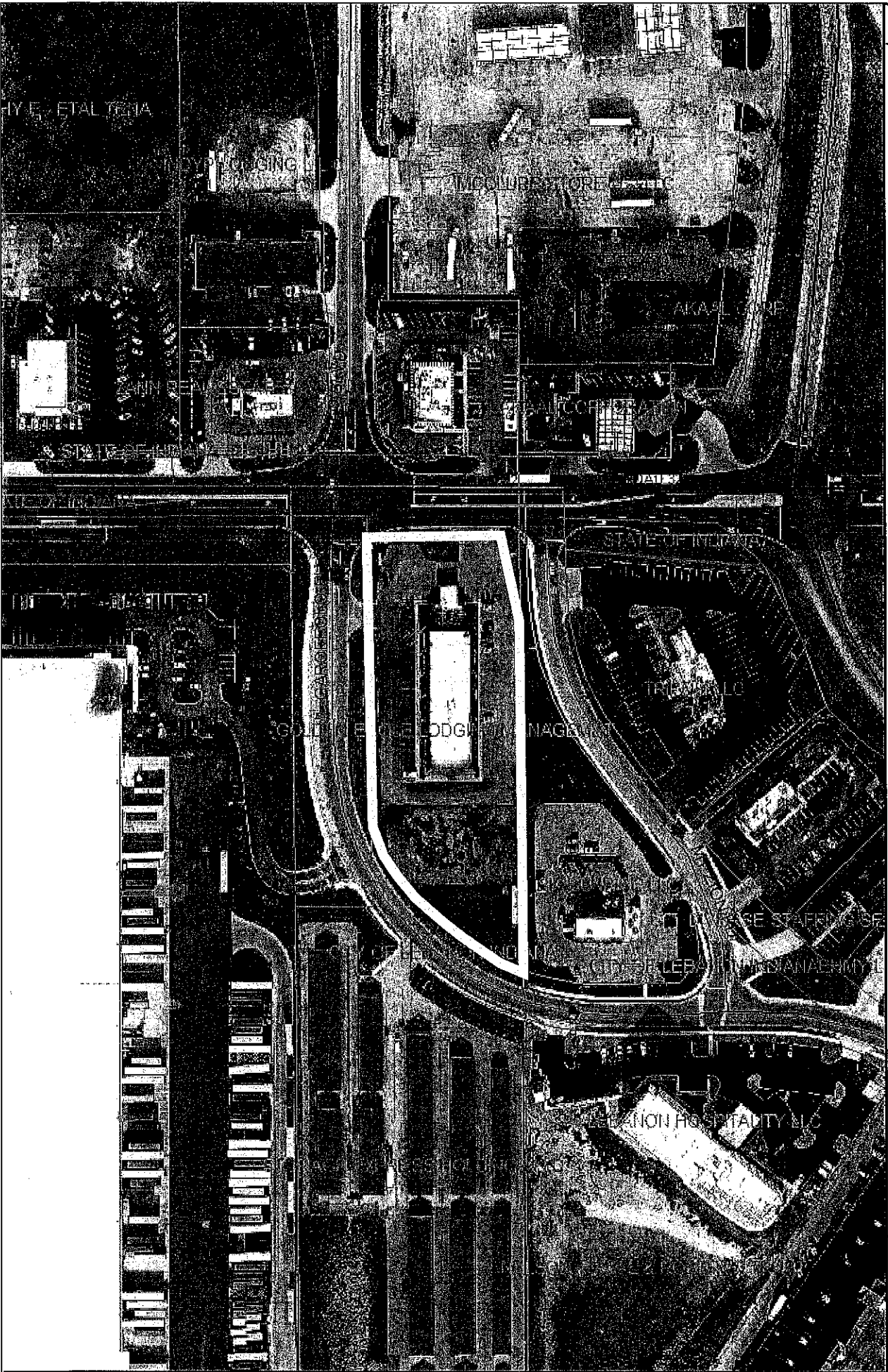
ATTEST:
Tonya Thayer
Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Part of the Southeast Quarter of Section 35, Township 19 North, Range 1 West, Center Township, Boone County, Lebanon, Indiana, more fully described by:

Commencing at the northwest corner of the southeast Quarter of said Section 35; thence along the approximate center line of State Road 32 and the Quarter Section line, south $89^{\circ}48'33''$ east 1127.71 feet; thence along the west described line of the State of Indiana property recorded as Instrument #0215934, Boone County Recorder's Office, south $00^{\circ}04'00''$ east 78.94 feet to the Point of Beginning; thence along the southerly described line of said State of Indiana property, north $48^{\circ}30'13''$ east 20.10 feet; thence along the southerly described line of said State of Indiana property, south $89^{\circ}49'16''$ east 161.42 feet; thence along the southeasterly line of said State of Indiana property, south $12^{\circ}01'51''$ east 117.25 feet, thence along the Quarter Quarter Section line and the westerly described line of the Robert H. Nelson Irrevocable Trust Property recorded in Deed Record 231, Pages 759-760, and the westerly described line of Tract "D" of the Nelson Trust Property as recorded in Instrument #9701347, south $00^{\circ}06'22''$ west 448.19 feet to a point on a non-tangent curve having a radius of 331.36 feet, the radius point of which bears north $19^{\circ}37'20''$ east; thence northwesterly along said curve 290.10 feet to a point which bears south $69^{\circ}47'06''$ west 331.36 feet from said radius point; thence along the easterly described line of the State of Indiana Property recorded as Instrument #0211199, north $00^{\circ}04'00''$ west 352.43 feet to the Point of Beginning, containing 2.2377 acres, more or less.

EXHIBIT B



- ParcelsFromCounty
- Lebanon City Line
- Roads
- Highways

THINK



**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**PLAN COMMISSION REPORT
TO COMMON COUNCIL**

Location

Plan Commission Docket #21-60
Rezone Request submitted by Golden Eagle Lodging Management, LLC

The subject property is located at 1245 W. State Road 32, Lebanon, Indiana 46052. The subject property contains 2.68 acres and is presently zoned Planned Business Industrial (PBI). The property has been used as a hotel office for quite a long time, which is a permitted use within the Planned Business Industrial (PBI) zoning district.

Project Overview

Planning Staff has been approached by the property owner wanting to diversify the offerings within the parcel for a use that is commercial/retail-oriented in addition to the hotel. Because the site is zone PBI, additional uses are very limited. 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), to allow other commercial/retail uses at the site without further necessary approvals.

Procedural Ordinance Process:

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.

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.

- Criteria 1 – Consistency with the goals, objectives, and policies of the Comprehensive Plan
- Criteria 2 – Compatibility with adjacent uses and improvements
- Criteria 3 – Desirability of the proposed land use
- Criteria 4 – Impact on property values
- Criteria 5 – Responsible growth and development

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 “commercial” uses on the Future Land Use Map and promotes a variety of commercial/retail uses.

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	Planned Business Commercial (PBC)	Commercial Use
South of Subject Property	Planned Business Industrial (PBI)	Commercial Use
West of Subject Property	Planned Business Industrial (PBI)	Industrial Use
East of Subject Property	Planned Business Industrial (PBI)	Commercial 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 the ability for diverse commercial uses on the property. 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 for the ability to add/change 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.

**Plan Commission
Action**

Plan Commission Action

The request to rezone the subject property to Planned Business Commercial (PBC) was forwarded by the Plan Commission to the Common Council with a **favorable recommendation.**

LEBANON ADVISORY PLAN COMMISSION CERTIFICATION

The Lebanon Advisory Plan Commission (the "Commission") held a public hearing on December 20, 2021, to consider a rezone of property located at 1245 W State Road 32, Lebanon, Indiana from Planned Business Industrial (PBI) to Planned Business Commercial (PBC). 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.: 21-60

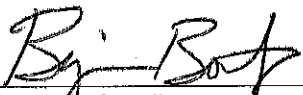
Ordinance/Resolution No.: 2022-01

Petitioner: Golden Eagle Lodging Management LLC

Description: Rezoning of 2.68 acres located at 1245 W State Road 32 from Planned Business Industrial (PBI) to Planned Business Commercial (PBC)

On December 20, 2021, a motion was made and passed to send a **favorable recommendation** for the rezoning request (Vote: 6 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)

12/21/21
Date