

ORDINANCE NO. 2023-14

**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, Davis Building Group, LLC, filed an Application for Rezone before the City of Lebanon Plan Commission, seeking to rezone approximately 1.1 acres, more or less, in Center Township, Boone County, Indiana, said property being located at 102 Birchwood Drive, Lebanon, Indiana and more particularly described in Exhibit A and B, from the Planned Business Commercial (PBC) zoning classification to the Single-Family Residential (SF2) zoning classification; and,

WHEREAS, pursuant to Indiana Code 36-7-4-608, the City of Lebanon Plan Commission conducted the required Public Hearing on August 21, 2023 and voted 7-0 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 August 22, 2023; 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, Davis Building Group, LLC, has consent from the property owner, Carpenter Co. Inc., via affidavit to request a rezone of the Property.

Section 2. That the Petitioner seeks to have the Property, comprised of approximately 1.1 acres and located at 102 Birchwood Drive, Lebanon, Indiana and more particularly described in Exhibit A and B, rezoned from the Planned Business Commercial (PBC) zoning classification to Single-Family Residential (SF2) 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 Commercial (PBC) zoning classification to Single-Family Residential (SF2) 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.

[The remainder of this page is left intentionally blank.]

ALL OF WHICH IS ADOPTED this ____ day of _____, 2023 by the Lebanon
Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer, Clerk Treasurer

I hereby certify that ORDINANCE 2023-14 was delivered to the Mayor of Lebanon on the _____ day of _____, 2023, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2023-14
this ___ day of _____, 2023

I hereby VETO ORDINANCE 2023-14
this ___ day of _____, 2023

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

EXHIBIT A
Legal Description

Property Address: 102 Birchwood Dr, Lebanon, IN 46052

Part of the Southwest Quarter to Section 6 Township 18 North, Range 1 East, Center Township, Boone County, Indiana, more fully described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said section; thence along the Second Principal Meridian and the Section line, North 00° 01' 45" West 285.17 feet to a point on a curve having a radius of 619.70 feet, then radius point of which bears North 48° 49' 5" East; thence Southeasterly along said curve and along the Southwesterly described line of Tract II of the Road America, Inc. Property recorded in Deed Record 231, Pages 419-420, Boone County Recorder's Office, 50.01 feet to a point which bears South 44° 12' 26" West from said radius point; thence along the East described line of said Road America, Inc. Property, North 00° 01' 45" West 50.00 feet; thence along the Northeasterly described line of said Road America Inc. Property, North 43° 28' 50" West 50.00 feet; thence along the Second Principal, the Section line and part of the East described line of the New Day, LLC Property recorded as Instrument #0006813, North 00° 01' 45" West 82.35 feet to the Southwest corner of Lot No. 17 in Bryan's Addition recorded in Plat Book 2, Page 12; thence along part of the South described line of said Bryan's Addition, North 89 ° 31' 24" East 312.00 feet; thence along the West described line of the Hallmark Homes, Inc. Property recorded as Instrument #9800268 and Instrument #9800270, South 00° 00' 00" East 346.61 feet to a point on the Northeasterly right of way line of Birchwood Drive which said point lines on a curve having a radius of 11,309.26 feet, the radius point of which bears North 27° 34' 59" East; thence Southeasterly along the Drive and said curve, 154.92 feet to a point which bears South 26° 47' 54" West from said radius point; thence along the Quarter Section line, South 89° 39' 15" West 449.58 feet to the point of beginning, containing 3.0647 acres, more or less.

EXCEPT THEREFROM

A of part of the Southwest Quarter of the Northwest Quarter of Section 6, Township 18 North, Range 1 East, Center Township, Boone County, Lebanon, Indiana, more fully described by:

Commencing at the Southwest corner of the Northwest Quarter of said Section 6, thence North 00° 01' 45" West, along the Section line, a distance of 417.52 feet to the Southwest corner of Lot No. 17 in Bryan's Addition as recorded in Plat Book 2, Page 12; thence North 89° 31' 24" East, along the South line of said Bryan's Addition, a distance of 312.00 feet; thence South 00° 00' 00" East a distance of 346.61 feet to the point of beginning located on the Northerly right of way line of the Frontage Road adjacent to Interstate 65; thence along a curve, non-tangent to the preceding course, following the North right of way of said Frontage Road, having a radius of 11309.26 feet, an arc length of 154.92 feet, and a chord bearing South 62° 48' 34" East a distance of 154.91 feet; thence South 89° 39' 15" West, along the Quarter Section line, a distance of 137.80 feet; thence North 00° 00' 00" West parallel with the West right of way line on East Street, a distance of 71.62 feet to the point of beginning, containing 0.1126 or an acre, more or less.

ALSO EXCEPT:

All that part of the aforesaid real estate lying South of the North Right of Way line of Birchwood Drive, containing after said exceptions 1.7828 acres, more or less.

ALSO EXCEPT:

Part of the Northwest Quarter of Section 6, Township 18 North, Range 1 East, Center Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southwest corner of the said Northwest Quarter Section; thence along the West line of said quarter section North 00 degrees 01 minutes 45 seconds West 285.17 feet to the POINT OF BEGINNING of this described tract; thence continuing North 00 degrees 01 minutes 45 seconds West along said West line a distance of 132.35 feet to the Southwest corner of Lot Number 17 in Bryan's Addition, recorded in Plat Book 2, page 12; thence along part of the South described line of said Bryan's Addition, North 89 degrees 31 minutes 24 seconds East 152.00 feet; thence South 00 degrees 00 minutes 00 seconds West 259.60 feet to the Northeasterly right-of-way line of Birchwood Drive and being a point on a non-tangent curve, concave Northeast, having a radius of 619.70 feet; thence along said curve in a Northwesterly direction, said curve being subtended by a chord having a bearing of North 50 degrees 19 minutes 54 seconds West and having a chord distance of 197.37 feet and an arc distance of 198.22 feet to the POINT OF BEGINNING, containing 0.708 acres, more or less.

EXHIBIT B



ParcelsFromCounty

Lebanon City Lim

Roads

Highways

