

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

**BOARD OF ZONING APPEALS
CONDITIONAL USE STAFF REPORT
JUNE 5, 2023 PUBLIC HEARING**

A. Case Number:	Docket #23-38
B. Applicant:	Thomas Whitsett for Pixie Playhouse Day Care Center, Inc.
C. Location:	The location of the subject property is 924 S. Meridian St., Lebanon, Indiana 46052
D. Acreage and Zoning	The subject property is approximately 0.33 acres in size. The subject property is zoned Multi-Family Residential (MF).
E. Property History:	Board of Zoning Appeals This is the first time this petition has appeared in front of the City of Lebanon Board of Zoning Appeals. Pixie Playhouse has owned and operated a day care center on the subject property for nearly 50 years. The UDO indicates that day care centers are a Conditional Use within the MF zoning district. Staff was unable to find record of a previous Conditional Use approval associated with the property for the existing day care use, likely due to the fact that there have not been significant additions or changes to the site. This creates a legally existing, non-conforming status. The applicant has requested the Conditional Use approval to remove the non-conforming status.
F. Conditional Use Determination:	Petitioner Request: Conditional Use The applicant is seeking Conditional Use approval to allow the continued operation of the day care center. Day care centers are Conditional Uses in the Multi-Family Residential (MF) zoning classification.
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 Per the Unified Development Ordinance (UDO), the Land Use Matrix in Section 4.2 requires a conditional use application for day care centers within the MF zoning district. The applicant has requested the Conditional Use approval.

<p>H. Staff Recommendation:</p>	<p>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 current facility is not and will not be detrimental to the public health, safety, morals, or general welfare of the community. The applicant does not intend to change the use, or intensity of the use, of the property as it currently operates.</p>
	<p>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 diminished or impaired property values within the neighborhood and zoning district. The applicant's current facility will not impair the use and enjoyment of other properties in the immediate vicinity or the property values in the neighborhood and zoning district.</p>
	<p>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 continued use of the current facility will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district. The current and future use is consistent with those that already exist and will not impact the surrounding neighborhoods or properties.</p>
	<p>Evaluation Criteria 5-Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided. All required utilities and transportation infrastructure are already provided to the site.</p>
	<p>Evaluation Criteria 6-The proposed use is not in conflict with the goals of the Comprehensive Plan or the Unified Development Ordinance. While the future land use plan identifies this area for Mixed-Density Residential, the neighborhood has long included a mixture of single-family homes, multi-family homes & communities, an elementary school, and the day care center. The continued use as a day care center does not interfere substantially with the City of Lebanon Comprehensive Plan or Unified Development Ordinance.</p> <p style="text-align: center;">Staff Recommendation</p> <p>In review of the requested Conditional Use for the allowance of a day care center on the subject property in the Multi-Family (MF) zoning district, City of Lebanon Planning Staff Recommends approval.</p>