

**CITY OF LEBANON
PLANNING AND ZONING DEPARTMENT**

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

A. Case Number:	Docket #23-43
B. Applicant:	Brad Meyers of Meyers Company Limited, LLC
C. Location:	The location of the subject property is 322 S. Lebanon St., Lebanon, IN 46052.
D. Acreage and Zoning	The subject property is approximately 1.38 acres in size and is currently zoned Neighborhood Business (NB) and within the Thoroughfare Overlay District.
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. The property currently contains an approximately 8,600 square foot commercial building and associated parking lot. It is the former location of Family Video and the current location of Jimmy John's restaurant.
F. Conditional Use Determination:	Petitioner Request: Conditional Use The applicant is seeking Conditional Use approval to allow the development of a drive-thru restaurant. The applicant intends to renovate approximately 1,500 square feet within the current building to open the proposed restaurant. The current building is mostly vacant, with the only existing user being Jimmy John's restaurant. In 2009 (Council Ordinance 09-04), the UDO Section 6.1.H was updated such that drive-thru establishments became a conditional use application in the Thoroughfare Overlay District rather than prohibited, thus the applicant has filed for conditional use approval.
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. Drive-thru restaurants are a conditional use within the Neighborhood Business (NB) zoning district. And Section 6.1.H as amended by Council Ordinance 09-04, drive-thru restaurants are 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 drive-thru restaurant 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 commercial uses, including other restaurants and drive-thru uses.

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 a portion of an existing building. Access to the site will be updated for proper traffic flow and other cosmetic improvements are planned. The way the site will be used will not impact surrounding properties in an adverse manner.

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 subject property.

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 drive-thru restaurant 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 Drive-Thru Restaurant use in the Thoroughfare Overlay District, Lebanon Planning Staff Recommends approval subject to the following conditions:

1. That any dumpster placed on site shall include a dumpster enclosure meeting the requirements of the Unified Development Ordinance.
2. That the applicant install parking lot perimeter landscaping along the eastern side of the parking lot adjacent to Lebanon Street meeting the perimeter landscaping requirements of UDO Section 7.8.J.3.
3. That the applicant install "One Way – Do Not Enter" signage and/or pavement markings on both the north and south sides of the building to ensure proper traffic flow to both the existing and proposed drive-thrus.