May 16, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SR0243

Sherbourne United Methodist Church

Bermuda Magisterial District
2619 Sherbourne Road

REQUEST: Renewal of Conditional Use (Case 03SN0330) to permit a medical clinic in a Residential (R-7) District.

PROPOSED LAND USE:

Continued operation of a medical clinic within a church structure is planned.

RECOMMENDATION

Recommend approval for the following reasons:

A. While the use does not conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre, the use has operated for several years with no apparent adverse impact on the area.

B. The recommended conditions further address any possible impacts the use may have on the area.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.)

CONDITIONS

1. Any medical clinic shall only be permitted so long as a church operates on the property. (P)

2. The use shall be open to the public a maximum of three (3) days per week, from 9:00 AM to 4:00 PM. There shall be no Saturday or Sunday operations. (P)

3. Any controlled substances such as prescriptions, needles and narcotics shall be placed in a secured cabinet when the medical clinic is not open to the public. (P)

4. Signs shall be posted on the property prohibiting loitering. (P)

5. Any medical clinic shall be located within the basement of the church structure. (P)

6. Persons using the clinic shall enter and exit the facility on the east side of the building. (P)

7. Any solid waste storage area shall be located a minimum of 100 feet from adjacent residentially zoned properties and shall be screened by a solid wall or fence. (P)

GENERAL INFORMATION

Location:

South line of Sherbourne Road and better known as 2619 Sherbourne Road. Tax ID 790-683-4329 (Sheet 12).

Existing Zoning:

R-7 with Conditional Use

Size:

1.0 acre

Existing Land Use:

Church and medical clinic

Adjacent Zoning and Land Use:

North - R-7 and C-3; Single family residential or vacant
South - R-7; Vacant
East - C-3 and C-5; Commercial or vacant
West - R-7; Single family residential

UTILITIES

Public Water System:

There is an eight (8) inch water line extending along the south side of Sherbourne Road, adjacent to this site. The existing church facility is connected to the public water system. Use of the public water system is required by County Code.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along a portion of Sherbourne Road, adjacent to this site. The existing church facility is connected to the public wastewater system. Use of public water is required by County Code.

ENVIRONMENTAL

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Bensley Fire/Rescue Station, Company Number 3, currently provides fire protection and emergency medical service (EMS). This request will have minimal impact on fire and EMS service.

Transportation:

The property (1.0 acre) is zoned Residential (R-7) and a church (Sherbourne Methodist Church) with a medical clinic has been developed on the property. The applicant is requesting renewal of a Conditional Use to permit continued operation of a medical clinic in the basement of the existing church. Traffic generated by this use will be distributed, via Sherbourne Road, to Jefferson Davis Highway (Route 1/301), which had a 2003 traffic count of 26,422 average daily trips.

Parts of Sherbourne Road in the vicinity of the property and Route 1/301 are within the Jefferson Davis Highway Enterprise Zone. Based on the Board of Supervisors' policy regarding development within the Enterprise Zone, road improvements will not be required by the County.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.

Area Development Trends:

Adjacent properties to the east and a portion of adjacent properties to the north are zoned for commercial uses and have been developed for such uses or remain vacant. Remaining adjacent property to the north, as well as adjacent property to the south and west is zoned and developed for residential uses or is vacant. It is anticipated that area properties will eventually be developed for community commercial uses east of the subject property, along the Jefferson Davis Highway frontage. The Plan anticipates remaining area properties to continue to develop for residential uses.

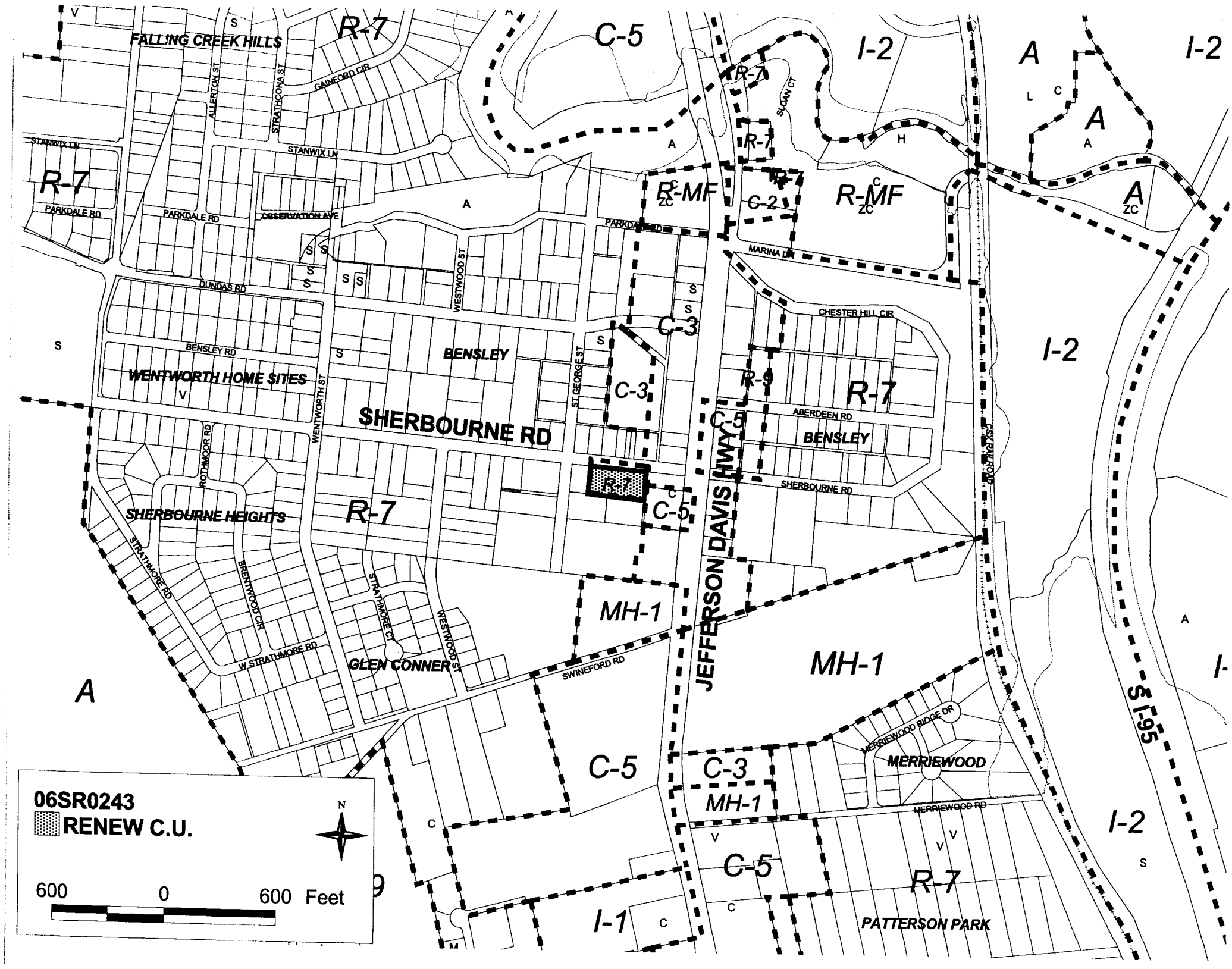
Zoning History and Use:

A church is located on the property. Within the basement of the church, a medical clinic providing medical services to the needy has operated with an approved Conditional Use permit since April 28, 2004. Conditions 1 through 7 are intended to minimize the impact the medical clinic may have on area residential development. With the exception of a time period for the Conditional Use, these are the same conditions that were imposed on the original permit. These conditions allow the use so long as a church operates on the site and only within the basement of the church. The conditions do not allow a freestanding medical clinic on the property. In addition, the conditions address days and hours the use may be open to the public; storage of controlled substances; location and screening of solid waste storage areas; loitering; and patron access for the medical clinic. Staff has not recommended a time period on the pending Conditional Use since it appears that the use has operated with no apparent adverse impact on the area.

CONCLUSIONS

While the use does not conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre, the location within a church structure and on the fringe of the suggested residential area with the recommended conditions minimizes the impact on area residential development. In addition, the use has operated under an approved Conditional Use since April 28, 2004 with no apparent adverse impact on the area.

Given these considerations, approval of this request is recommended.



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FALLING CREEK HILLS
R-7
C-5
I-2
A
GAINFORD CIR
ALLERTON ST
STRATHCONA ST
STANWIX LN
PARKDALE RD
OBSERVATION AVE
SLOAN CT
R-MF
C-2
MARINA DR
DUNDAS RD
WESTWOOD ST
CHESTER HILL CIR
BENSLEY RD
WENTWORTH HOME SITES
BENSLEY
ST GEORGE ST
C-3
R-9
ABERDEEN RD
SHERBOURNE RD
WENTWORTH ST
ROTHMOOR RD
SHERBOURNE HEIGHTS
JEFFERSON DAVIS HWY
CSX RAILROAD
STRATHMORE RD
BRENTWOOD CIR
STRATHMORE CT
W STRATHMORE RD
GLEN CONNER
SWINEFORD RD
MH-1
MERRIEWOOD RIDGE DR
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MERRIEWOOD RD
S I-95
I-1
PATTERSON PARK