~~August 17, 2004 CPC~~
August 25, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0287

Greenbriar Development LLC

Bermuda Magisterial District
Eastern Terminus of Overridge Drive

REQUEST: Conditional Use to permit a model home in a Residential (R-12) Zoning District.

PROPOSED LAND USE:

A model home (sales office) not located within a permanent dwelling is planned. Specifically, the applicant proposes to locate the model home (sales office) within a modular office unit until such time as construction of a permanent dwelling to be used as a model home on the request property is complete. The model home (sales office) would then be temporarily located within the permanent dwelling until the project is complete.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

A. Approval of the modular office unit would be appropriate since use of the structure is temporary.

B. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

(STAFF/CPC) 1. A temporary model home (sales office) shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 180 days from the date of approval of this request. At the end of the 180 days, the modular office unit shall be removed. (P)

(STAFF/CPC) 2. The model home (sales office) shall only be used to market the development (Greenbriar Woods Subdivision) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)

(STAFF/CPC) 3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)

(STAFF/CPC) 4. The model home (sales office) shall be incidental to construction activity taking place within the development (Greenbriar Woods Subdivision). (P)

(STAFF/CPC) 5. The public water and wastewater systems shall be used. (U)

GENERAL INFORMATION

Location:

Eastern terminus of Overridge Drive. Tax ID 790-639-Part of 3992 and 790-640-Part of 9502 (Sheet 34).

Existing Zoning:

R-7 and R-12

Size:

0.9 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North and West - R-12 and R-7, Vacant and single family residential
South and East - R-7 and R-12; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing eight (8) inch water line extending along the north side of Overridge Drive adjacent to the southwestern boundary of this site. Use of the public water system is intended and has been proffered. (Proffered Condition 5)

Public Wastewater System:

An eight (8) inch wastewater collector line extends north from the end of Exton Lane adjacent to the site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 5)

ENVIRONMENTAL AND PUBLIC FACILITIES

The model home (sales office) will have a minimal impact on these facilities.

LAND USE

General Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre or less.

Area Development Trends:

The request property is part of a proposed development known as Greenbriar Woods Subdivision which will have a maximum density of 3.63 dwelling units per acre. Surrounding properties are zoned residentially and agriculturally and are occupied by single family residences or are vacant. It is anticipated that single family residential use will continue in the area, as suggested by the Plan.

Zoning History:

On June 22, 1988, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning from Agricultural (A) to Residential (R-12) on the request site and surrounding property which is being developed as Greenbriar Woods Subdivision.

Current Request:

In residential districts, model homes (sales offices) are permitted provided that, in addition to its permanent use as a dwelling, such homes may be used as a temporary real estate office. In this case, the temporary sales office is proposed to be located first within a modular office unit and then within a permanent dwelling on the request property as permitted by the Ordinance. Since the modular office unit is not a dwelling, sales would not be permitted. This request seeks to permit the temporary sales within this structure. Proffered Condition 1 establishes the use of the modular office unit as temporary.

The Zoning Ordinance further permits model homes (sales offices) in a residential district provided that the office only markets property within the development where it is located; the office is incidental to construction activity taking place within the development; the office is not the primary real estate office for the company marketing the development; and the office is not used as a construction office or for the storage of construction equipment and/or materials. Proffered Conditions ensure these restrictions of the Ordinance are met in this case. (Proffered Conditions 2, 3 and 4)

CONCLUSIONS

While staff would not typically support the location of a modular office unit within a residential area because it fails to be compatible with planned residential dwellings, in this case, approval of the modular office unit would be appropriate since use of the structure is temporary. The Ordinance permits the location of the model home (sales office) within a permanent dwelling on the property temporarily and therefore would not constitute the permanent location of a sales office in a residential area. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

Given the foregoing, approval of this request is recommended.

CASE HISTORY

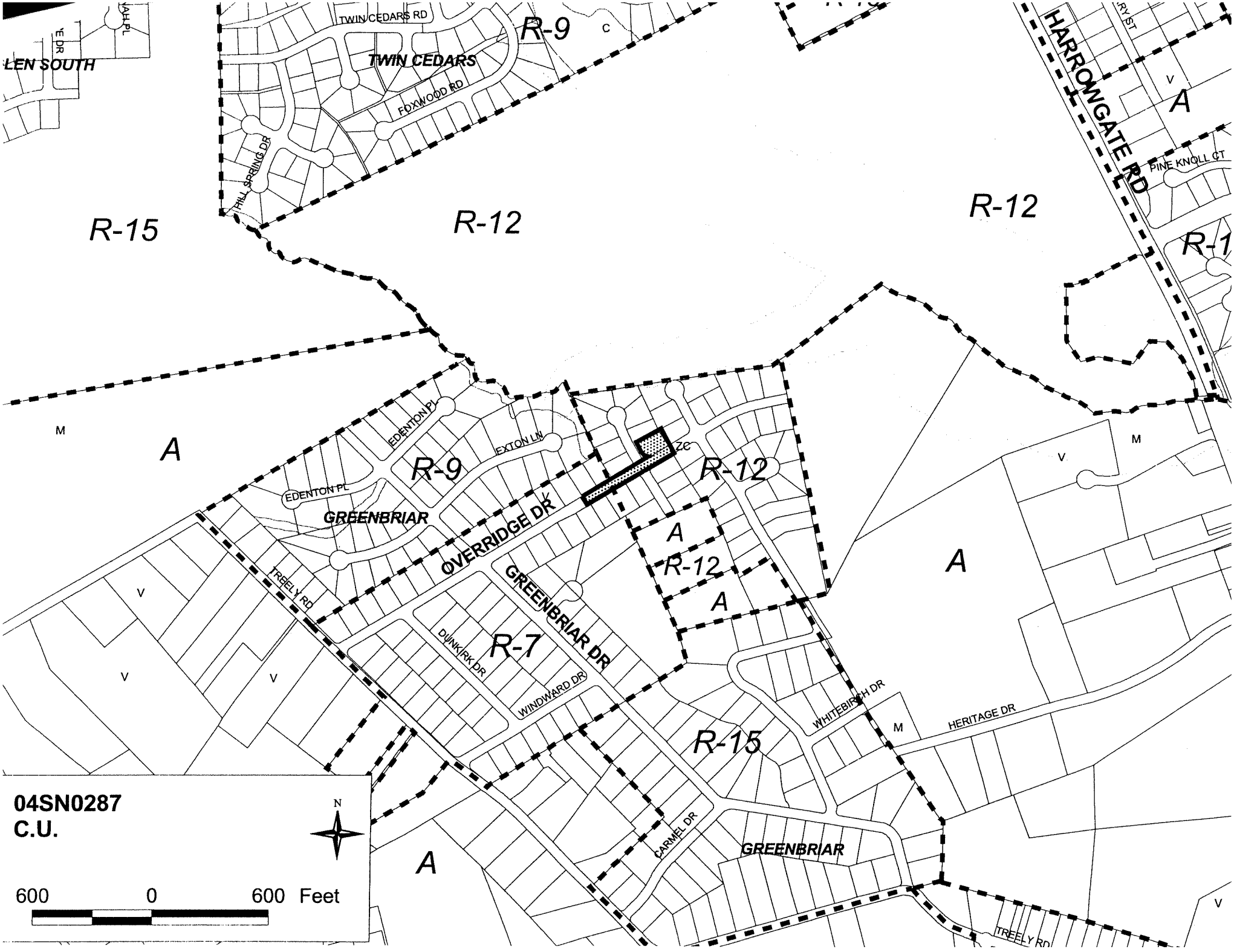
Planning Commission Meeting (8/17/04):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval and acceptance of the proffered conditions on page 2.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, August 25, 2004, beginning at 7:00 p.m., will take under consideration this request.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TREELY RD
DUNKIRK DR
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WHITEBIRCH DR
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