

Board of Adjustment
July 26, 2023
BOA-2223-11

STAFF REPORT

GENERAL INFORMATION

APPLICANT	James Hardwick
LOCATION	1900 Ann Branden Boulevard
ZONING	C-2, General Commercial District and R-1, Single Family Dwelling District
REQUESTED ACTION	SPECIAL EXCEPTION to permit the extension of a district boundary where the boundary line of a district divides a lot in single ownership as shown of record.
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: James Hardwick, represented by Travis Harrison, requests extension of C-2, General Commercial District, to the entirety of the lot under the provision of Chapter 36-570(g)(a) (Zoning Code). The property is currently zoned C-2, General Commercial District and R-1, Single Family Dwelling District. The Board may grant Special Exception to extend a zoning district where the boundary of a district divides a lot in single ownership.

STANDARD OF REVIEW:
Chapter 36, Section 570

- (i) Hearing of the Board of Adjustment on a Special Exception. The public hearing shall be held in accordance with the following provisions:
- (1) At said hearing, any party may appear in person or by agent or attorney;
 - (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
 - (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this

ordinance and punishable under the penalty sections of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

STAFF REVIEW:

The subject property is roughly 35-acres with approximately 65% zoned C-2, General Commercial District and 35% zoned R-1, Single Family Dwelling District. The R-1 portion of the property subject to the zoning extension is on the south of the property, adjacent to R-1, Single Family Dwelling District, St. James Park, which is developed.

The subject property has been included in two previous zoning amendments:

1. Ordinance No. O-8384-75 rezoned roughly 103 acres from R-1, Single Family Dwelling District, RM-2, Low Density Apartment District, and I-1, Light Industrial District to C-1, Local Commercial District, C-2, General Commercial District, RM-6, Medium Density Apartment District and PL, Park Land District. This ordinance included the R-1 subject property. With this ordinance, the subject property was partially rezoned to C-2 in 1984.
2. Ordinance No. O-8788-56 amended the already zoned R-1 portion in the subject property to be rezoned to R-1, Single Family Dwelling District with Permissive Use for a Public or Private Golf Course, adopted with additional special conditions as follows:
 1. All lighting proposals be installed (and maintained) as proposed by the applicant to reduce to a minimum any lighting spillover.
 2. A twenty-foot landscape buffer be maintained at the southern perimeter of the project. Narrow leaf pines, specifically red cedars or their equivalent, be planted and maintained twenty-feet on center within that area.

*If the special exemption is granted, the R-1 permissive use and the listed conditions for this portion of the property will no longer exist.

CONCLUSION: Staff forwards this request for BOA-2223-11 to the Board of Adjustment for consideration.