BELLEAIR HISTORIC PRESERVATION BOARD
NOTICE

TO: David Hutcheson, Chairman
Don White, Vice Chairman
Kathy Gaston
Cliff Zurkan
Peter Marich
Alex Chamberlain
Nancy Reardon

Kevin Piccarreto, Commissioner Advisor

There will be a meeting of the **Belleair Historic Preservation Board on Tuesday, September 30, 2014 at 5:00 p.m. in the Town Hall auditorium.**

Please plan to attend. In the event you are unable to attend this meeting, please notify the Town Clerk's office at 588-3769 Ext. 214 or 312.

Your attendance is very important!

The following agenda items are provided for your consideration:

1. Citizen's Comments
   (Discussion of items not on the agenda. Each speaker will be allowed 3 minutes to speak.)
2. 5:00 P.M. Special Certificate of Appropriatness - Belleview Biltmore Hotel

   Documents: BILTMORE SPECIAL CERTIFICATE OF APPROPRIANESS SUMMARY.PDF, BELLEAIR BILTMORE APPL. FOR CERT. OF APPROPRIATENESS REVIEW.PDF, ATTACHMENT NO. 1 - SEC. 74-332.PDF, ATTACHMENT NO. 2 - TOWN ORDINANCE NO. 387.PDF, ATTACHMENT NO. 3 - MASTER PLAN.PDF, ATTACHMENT NO. 4 - AFFIDAVIT AND SUMMARY INFO.PDF, ATTACHMENT NO. 5 - PRELIMINARY HVS REPORT.PDF
3. Other Business
4. Commission Advisor Report
5. Adjournment

** To be distributed.
* Previously distributed.

Copy to: Micah Maxwell, Town Manager
Donna Carlen, Town Clerk
JP Murphy, Assistant Town Manager

Summary

To: Historic Preservation Board
From: Micah Maxwell, Town Manager
Subject: Special Certificate of Appropriateness – Belleview Biltmore Hotel
Date: 9/23/2014

Summary: The owner of the Belleview Biltmore Hotel has made an application for Special Certificate of Appropriates for Demolition through a proxy (JMC Communities)

Previous Board Action: This is the first complete Special Certificate of Appropriateness for this property.

Background/Problem Discussion: See page 4 of the staff report.

Alternatives/Options: The board is to review the application with consideration to the application's consistency with the Town's Comprehensive Plan, the purpose and intent of the Historic Preservation Ordinance (74-332), and the criteria identified in section 74-332(f). Additionally, should the board find that 74-332(g) is applicable; the board has the ability to vary or modify the criteria for demolition spelled out in 74-332. These considerations are outlined in detail in the staff report.

Financial Implications: The applicant has applied for an economic hardship, which is discussed in the staff report, and referenced in attachment 5.

Recommendation: Staff recommends that the historic preservation board recommend approval of the Special Certificate of Appropriateness for the Belleview Biltmore Hotel.

Proposed Motion: I move the historic preservation board recommend approval of the Special Certificate of Appropriateness for the Belleview Biltmore Hotel to the Belleair Town Commission.

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR SPECIAL CERTIFICATE
OF
APPROPRIATENESS FOR DEMOLITION

Town of Belleair Staff Report

Prepared For: **Historic Preservation Board**
And
Belleair Town Commission

Prepared By: **Calvin, Giordano & Associates, Inc.**
David Healey, FAICP
Director, Tampa Bay Region

Date: **September 22, 2014**

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR SPECIAL CERTIFICATE
OF
APPROPRIATENESS FOR DEMOLITION

Town of Belleair Staff Report

Town Commission
Gary H. Katica, Mayor
Stephen Fowler, Deputy Mayor
Kevin Piccarreto, Commissioner
Tom Shelly, Commissioner
Michael Wilkinson, Commissioner

Belleair Historic Preservation Board
David Hutcheson, Chairman
Don White, Vice Chairman
Kathy Gaston, Member
Cliff Zurkan, Member
Peter Marich, Member
Alex Chamberlain, Member
Nancy Reardon, Member

Kevin Piccarreto, Commissioner Advisor

Micah Maxwell, ICMA - CM
Town Manager

David Ottinger, Esq.
Town Attorney

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR SPECIAL CERTIFICATE
OF
APPROPRIATENESS FOR DEMOLITION

Town of Belleair Staff Report

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INTRODUCTION

Background

The Town Code of Ordinances, Subpart B. Chapter 74, Sec. 74-332 entitled "Historic Preservation" establishes the purpose, procedures and standards for designating, and administering the requirements pertaining to, historic structures. A copy of Sec. 74-332 is included as Attachment No. 1 to this report.

This staff report is prepared in response to, and to assist in the review of, an application filed pursuant to the provisions of Sec. 74-332 for a Special Certificate of Appropriateness to demolish the Belleview Biltmore Hotel and cottages on the 17.7 acre hotel property.

The Belleview Biltmore Hotel property, inclusive of the hotel and the three cottages (Sunset, Magnolia and Palm), were designated as historically significant structures by the Town pursuant to Town Ordinance No. 387 in 1999. A copy of the ordinance is included in Attachment No. 2 to this report.

The adoption of Ordinance 387, which included some 46 other structures in addition to the Hotel, was preceded and based on a report dated January, 1998 entitled "Architectural/Historic Inventory of Belleair" prepared by Stevenson Architects, Inc. The report indicates the Hotel was already listed on the Florida Site File and National Register of Historic Places at the time this report was done.

The report tracks the construction and evolution of the Hotel from 1894-95 when H. B. Plant began construction, its opening in 1897 as the Belleview Hotel, its renaming in 1919 with new ownership to the Belleview Biltmore, the additions made in 1925-26, its lease in 1942 to the U.S. Army Air Corps; its alteration in 1975 with aluminum siding, its purchase and alteration under the Mido ownership in 1990, through its transfer and renaming back to the Belleview Biltmore in 1997.

The report describes the Hotel and cottages at that time as follows:

"*The hotel itself is an excellent example of a formalized Frame Vernacular structure, built primarily from indigenous materials. (Criteria #4and #6). At one time it was the largest occupied wooden structure. (Criterion #7). The hotel has been the site of many important community and cultural events in the last one hundred years, and is today a symbol of the community. (Criterion #8). The building has been well maintained and the current owners are proceeding with further restoration work. (Criterion #9)."*

Much has changed with the Hotel since this report in 1998, as is noted in the referenced application and this report, in particular the storm damage incurred in 2004, its closing in 2009, its on-going deterioration, and various attempts to determine its future use or replacement.

The Application

An application for a Special Certificate of Appropriateness to demolish the Belleview Biltmore Hotel has been filed by BB Hotel LLC, property owner and JMC Communities, Inc., contract purchaser, referred to collectively in their application as the "Applicants."

The application process to date has included the following key components:

1) A pre-application meeting held between the Applicants and Town staff representatives on July 14, 2014;
2) The application package filed on July 18, 2014 including separate applications for:
    a) Special Certificate of Appropriateness for Demolition, Demolition Permit and Code Enforcement Lien Reduction;
    b) Rezoning the property from Hotel (H) to Planned Mixed Use (PMU);
    c) Master Plan and Preliminary Development Plans for the site; and
    d) Development Agreement stipulating the commitments of the Applicants and the Town.
3) Letter from Town staff of August 8, 2014 identifying the items of information required to find the application complete and sufficient;
4) Letter and accompanying documents submitted by the Applicants dated August 20, 2014 in response to the Town letter requesting same; and
5) Letter from Town staff dated August 25, 2014 notifying the Applicants that the application was complete, sufficient and eligible to be processed for formal consideration and public hearings.

OVERVIEW OF PROCESS

Given the multiple parts to the application package, a summary of the key steps, their order of consideration and the board that will consider them is set forth below:

1) Historic Preservation Board Re: Consideration of the application for Special Certificate of Appropriateness for Demolition and recommendation to the Town Commission;

2) Planning and Zoning Board Re: Consideration of the application for Rezoning, Master Plan, Preliminary Development Plan and Development Agreement and recommendation to the Town Commission;

3) Local Planning Agency Re: Consideration of the application for Rezoning and recommendation to the Town Commission; and

4) Town Commission - Re: Consideration of the following:

   a) Special Certificate of Appropriateness for Demolition (approval, approval with conditions, denial);

   b) Rezoning, Master Plan, Preliminary Development Plan and Development Agreement (initial consideration and preliminary action);

   c) Rezoning, Master Plan, Preliminary Development Plan and Development Agreement (second hearing and final action to approve, approve with conditions, or deny); and

   d) Authorization for Demolition Permit and Consideration of Lien Reduction Request (authorization to process demolition permit and action to approve or deny lien reduction request.)

APPLICABLE PLAN AND CODE PROVISIONS

This staff report addresses the first of the multiple-part application and deals only with the Application for Special Certificate of Appropriateness for Demolition.

The applicable provisions of the Town's Comprehensive Plan and Land Development Code that address historic preservation and establish the criteria by which this application is required to be evaluated include both policies and guidelines that are general or broad in nature and those that are specific or more detailed in nature. The following assessment of these Plan and Code provisions will be set forth under these two main types of consideration.

General Policies and Guidelines

The factors to be considered here include consistency with the Comprehensive Plan, and the Purpose and Intent sections of Sec. 74-332 Historic Preservation of the Land Development Code.

Plan Consistency - The Comprehensive Plan addresses historic preservation under the following Goal, Objective and Policy of the Future Land Use Element:

Goal 1: Ensure that the park-like, residential/family character of the Town of Belleair is maintained and protected while supporting the continued economic viability of local resorts and preservation of the Belleview Biltmore Resort Hotel.

Objective 1.6:
The town shall ensure the protection of historic and architecturally significant resources.

Policy 1.6.1:
The town shall continue to identify historic and architecturally significant resources to be protected by their designation as historic sites by the federal government, the State of Florida, or Pinellas County.

This goal, objective and policy speak to the protection of important historic resources, including the Belleview Biltmore Hotel. In fact, the Town has implemented these objectives through the designation of the Hotel as a historically significant structure (Ordinance No. 387) and adopted the Code provisions cited here that govern the alteration, relocation or demolition of such resources.

Further, the Town has made every reasonable effort to preserve the Hotel. Over the past several decades, there have been a series of owners whose efforts to revive and preserve the Hotel were supported by the Town. The Town approved a plan to renovate and add to the Hotel, and subsequently approved a Finding of Necessity to establish the proposed Belleview Biltmore Hotel Community Redevelopment Area pursuant to Part III, Chapter 163, Florida Statutes (Resolution No. 2012-28) only to have the then applicants fail to obtain financing and meet their contractual obligations to close on the property. The Town filed liens on the property when it fell into disrepair in an attempt to protect its remaining structural integrity and encourage its improvement, to no avail. The Town further approved a provision for exemption of Town ad valorem taxes for designated historic structures. And finally, the Town has approved amendments to its Comprehensive Plan and Land Development Code in an attempt to encourage redevelopment consistent with the historic preservation objectives of the Plan and Code.

These efforts, over an extended period of time, speak to and confirm the Town's genuine and substantive initiatives consistent with and in support of the Plan's goals, objectives and policies with respect to historic preservation.

The process for consideration of the Special Certificate of Appropriateness for Demolition, which is specifically provided for in the Code, is itself a component of implementing the historic preservation objectives of the Plan and the deliberative and appropriate disposition of this application further assures consistency with the Comprehensive Plan.

Code Purpose and Intent - Section 74-332 (a) and (b) set forth the Purpose and Intent of the Historic Preservation section of the Code.

The stated purpose of the historic preservation section of the Code is to implement the goals, objectives and policies of the comprehensive land use plan "*by identifying and encouraging the protection of resources which reflect elements of the Town's cultural, social, economic, political and architectural history.*"

The importance of the statement of purpose is that it is directed at furthering the comprehensive land use plan in the broader context of those enumerated town resources. In other words, historic preservation is not intended as a singular stand-alone objective, but rather is to be viewed in the context of its relationship to the combination of objectives embodied in the comprehensive land use plan.

The intent of this Historic Preservation section of the Code further enumerates several more specific objectives [Sec. 74-332(b) (1)] which encourage measures designed to foster historic preservation as well as recognizing the related intent to preserve and enhance environmental quality, residential character and the aesthetic features of the Town.

The application has addressed each of these statements of intent in Section 2.1, p. 2 of the Completeness Submittal dated August 20, 2014.

The enumerated expressions of intent are framed with the terms "encourage", "foster", and "discourage", underscoring the multiple dimensions of historic preservation, and that they are not intended as absolutes. Indeed historic preservation, as this section recognizes, must be considered in the context of land use, environmental quality, residential character and aesthetic features, as well as individual architectural and historical relevance.

Many of the considerations that the Town has explored and addressed in creating new plan and zoning categories, as well as the specific plans that have been submitted in concert with the Application for Special Certificate of Appropriateness to Demolish, speak to and are consistent with the enumerated expressions of intent in Sec. 74-332 (b).

Summary - Based on the above analysis, the findings and documentation set forth in the application itself, and subject to such findings and evidence as may be established at public hearing, staff finds the Application for Special Certificate of Appropriateness for Demolition to be consistent with the applicable provisions of the Comprehensive Plan and the Purpose and Intent of the Historic Preservation section of the Code, as to the general policies and guidelines examined above.

Specific Procedures and Criteria

The detailed process and factors to be considered for the application that has been submitted are set forth in Sec. 74-332 (e) (2), Special Certificate of Appropriateness, Sec. 74-332 (f) Demolition and Sec. 74-332 (g) Economic Hardship. Each is examined below.

Sec. 74-332 (e) (2) Special Certificate of Appropriateness - Identifies the requirements for application, the requirements for notice and public hearing and the role of the Historic Preservation Board charged with making a recommendation to the Town Commission. While many of the referenced application details appear to speak to a project that would alter an existing building, the principle is that there be "*adequate information to enable the historic preservation board to visualize the effect of the proposed action on the applicant's building, its site, and its adjacent buildings and streetscapes.*"

The complete application package submitted to the Town includes an application for rezoning, master plan, preliminary development plan and development agreement approval that sets out in detail what is proposed on the hotel site. Copies of the master plan, and preliminary development plan, including building elevations, are included as Attachment No. 3 to this report. The complete application package for these other components of the application package are on file with the City and scheduled for consideration.

While it is not the Historic Preservation Board's role to review the site development plans in a formal sense - that will be done by the Planning and Zoning Board and Town Commission - this information is pertinent to the Historic Preservation Board's understanding of what would replace the existing Hotel if it were to be demolished.

The information submitted by the Applicants, in particular the details of the proposed replica Inn and the materials and memorabilia from the Hotel to be preserved and featured in the Inn, address this requirement as noted below, in particular under Sec. 74-332 (f) (4) f.

Sec. 74-332 (f) Demolition - Establishes the requirement for a Special Certificate of Appropriateness to be applied for and approved, along with meeting all other applicable requirements of the Town Code, prior to issuance of a permit for voluntary demolition of a building, such as the Hotel, that has been designated historically significant.

In connection with any Special Certificate of Appropriateness for demolition or improvement, the salvage and preservation of building materials, architectural details, fixtures and similar materials for reuse or recording for archival purposes may be required. This provision has been addressed in the application as follows:

"*Applicants will cooperate with the Historic Preservation Board and the Town Commission in the salvage and preservation of specified classes of building materials, and further, Applicants propose to utilize salvaged stained glass windows in the public rooms of the new Inn."*

"The proposed architectural style selected for the Inn includes a modern interpretation of the major character defining features of the Shingle Style and some Queen Anne elements as they are reflected in the existing Hotel."

In addition, the Planned Mixed Use zoning designation, application for which accompanies the application for Special Certificate of Appropriateness, contains an "Historic Recognition Component" that requires, among other things, the following for a project considered under this designation:

"There shall be a reasonable attempt to utilize building materials and artifacts from the existing building in any new or replicated structure, such that the history of the original structure and its memorabilia can be identified, observed and used as an educational link to the past."

This section further provides for the Town Commission, upon approval of a Special Certificate of Appropriateness, to defer the effective date up to 365 days. In the event the Town Commission denies the application it *"shall be evidenced by written order detailing the public interest sought to be preserved."*

Sec. 74-332 (f) (4) - Enumerates specific criteria to be considered in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties. Each of these criteria are identified and examined as set forth below.

a. "*Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic structure or is so designated?*

The application recognizes that the Hotel is listed in the National Register of Historic Places and is designated by local ordinance as a structure of historic significance. The application goes on to assert that the historic and architectural qualities that once characterized the Hotel have been compromised by its extensive physical alterations over the years, the site itself with the sale and development if its waterfront access, and the significant physical deterioration that has occurred.

Staff interpretation of this criterion, is that while the heritage of the Hotel certainly continues to be of historical interest, the quality and integrity that once characterized the building and grounds suggest it is today less worthy of the historic status for which it was once recognized.

b. *"Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?"*

The simple answer is yes. Given the era in which it was constructed, the design, craftsmanship, and construction materials used would be both difficult and expensive to replicate given today's building techniques and standards.

As the application points out, the buildings architectural integrity has been compromised, and its condition is seriously deteriorated. The size, together with the age of the original construction, as well as the techniques and materials used, suggest its reproduction would be both difficult and costly.

c. *"Is the structure one of the last remaining examples of its kind in the neighborhood, the county, or the region?"*

Again, the answer is yes - the Hotel is one of the last remaining examples of its kind - in the Town, the County and the State. The more complete answer, however, is that the structure which was once magnificent for its size, architecture, setting and prominence in the community has been seriously compromised over time - by the sale of its waterfront access, physical alteration of the building, by changing interests and habits of the traveling public, and by the deterioration that has occurred.

Staff concurs with the application's assertion that the seeds of the Hotel's demise were sown long ago, have been incremental and varied, leading to its closure in 2009; and that in its current condition is no longer the example of what it once represented.

d. *"Does the structure contribute significantly to the historic character of a designated district?"*

This criterion does not apply, since the structure is not located within a designated historic district. Only the structure itself was designated as having historical significance.

e. *"Would retention of the structure promote the general welfare of the town by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?"*

The answer in the abstract is yes - but only if the Hotel could be renovated and restored in a manner that would both retain its historic integrity and allow it to be financially viable.

The application asserts that retention of the structure would require it to be completely renovated and restored and that "given restoration is not financially feasible, retention would not promote the general welfare of the Town." The information submitted in support of this conclusion includes the demolition costs (Tab 1.3.1.8 A-D) the rehabilitation/restoration cost estimates

(Tab 1.3.1.9 A-C), construction feasibility reports (Tab 1.3.1.10) and the economic feasibility and market studies (Tab 1.3.1.11).

The application suggests that absent retention of the structure, it addresses this criterion with respect to the "opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage" through both the salvage and preservation of selected building materials, and the archival and display of materials and memorabilia from the Hotel, as well as the architectural style and use of the proposed Inn.

As referenced under Sec. 74-332 (f) (3) the Town has the ability to require this be done and to identify with specificity what these measures will consist of and where and how such salvage and archived materials, will be used or displayed. Separately and in addition, this issue is also required to be addressed in the proposed rezoning to Planned Mixed Use which includes provision for addressing the historic recognition component of the development plan in order to qualify for the other standards in the zoning district.

f. *"Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?*

As part of the overall application package that accompanies this Application for Special Certificate of Appropriateness for Demolition, the Applicants have applied to rezone the property to Planned Mixed Use and submitted the required accompanying Master Plan and Preliminary Development Plan for the site.

The proposed development plan includes the following:

- A 33 room Inn, event lawn and swimming pool;
- Four mid-rise condominium buildings containing a total of 104 dwelling units; and
- Twenty-eight two-story townhouse units

The proposed Inn is intended to replicate the historically significant Shingle Style and Queen Anne design elements of the Hotel and incorporate certain of the materials and memorabilia salvaged from the Hotel.

The Master Plan, Preliminary Development Plan and elevations for each of the three major components of the proposed reuse of the site are included as Attachment No. 3 to this report.

The proposed plans for the reuse of the site are definite to the extent that they will be required to be implemented in accordance with the rezoning, development plans and development agreement, should they be approved.

The application asserts that the effect of the proposed plans will be to remove the existing blighted condition that exists with the Hotel, which will be replaced with an upscale mixed use project that combines residential and temporary lodging use in a setting that complements the adjoining residential and recreation/open space use.

Sec. 74-332 (g) Economic Hardship - This section of the Code provides an additional basis on which an Application for Special Certificate of Appropriateness to demolish may be considered. It allows the Town Commission to vary or modify the criteria in Section 74-332 based on proven economic hardship. Specifically, Section 74-332 (g) reads as follows:

> "(g) *Economic hardship.* Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of this section would result in serious undue economic hardship that would amount to a taking of property without just compensation or, for properties producing income at the time of the application for a certificate of appropriateness, failure to achieve a reasonable economic return to the applicant, the town commission shall have the power to vary or modify adherence to this section; provided, always, that its requirements ensure harmony with the general purposes hereof and will not adversely affect the town."

To apply for consideration under this provision the Code requires an affidavit and extensive documentation which has been submitted by the Applicant, including the following that references each item's location in the application:

1. *"The amount paid for the property, the date of purchase and the party from whom purchased (Tab. 1.3.1.1);*
2. *The assessed value of the land and improvements thereon according to the two most recent assessments (Tab 1.3.1.2);*
3. *Real estate taxes for the previous two years (Tab 1.3.1.3);*
4. *Annual debt service, if any, for the previous two years (as noted in Tab 1.3.1.4 there has been no annual debt service);*
5. *All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property (Tab 1.3.1.5);*
6. *Any listing of the property for sale or rent, price asked and offers received, if any (Tab 1.3.1.6);*
7. *Any consideration by the owner as to profitable adaptive uses for the property (Tab 1.3.1.7);*
8. *All cost estimates or reports relating to the demolition of the property obtained within the previous two years (Tab 1.3.1.8);*

9. *All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two years (Tab 1.3.1.9);*
10. *All reports relating to the engineering, architectural, or construction feasibility of rehabilitation or restoring the property obtained within the previous two years (Tab 1.3.1.10); and*
11. *All reports relating to the economic feasibility of restoring or rehabilitation of the property obtained within the previous two years, including market studies (Tab 1.2.1.11)."*

The required affidavit and the Applicant's summary description of the information and assessment of its bearing on the claim of undue economic hardship is included as Attachment No. 4 to this report.

A separate review and analysis of this information has been prepared by a qualified third party, the preliminary summary of which accompanies this report and is included as Attachment 5.

The preliminary synopsis of the independent analysis and findings performed by PCE, Robert H. Buchanan, J.D., ASA, CFP indicates that the methodology employed in the economic feasibility analysis performed by HVS is appropriate for the analysis, and that the methodology is correctly applied to the analysis. Therefore, the conclusions reached by HVS are credible and are very likely to be consistent with the conclusion that would be reached by any similar expert properly performing the same analysis.

Summary - Based on the above analysis, the findings and documentation set forth in the Application itself, and subject to such findings and evidence as may be established at public hearing, staff finds the Application for Special Certificate of Appropriateness for Demolition to adequately address and satisfy the applicable provisions of Sec. 74-332 (e) (2), 74-332 (f), 74-332 (f) (4) a-f, and 74-332 (g) examined above.

CONSIDERATION OF THE PUBLIC INTEREST

In summary, the operative question is, does the application document the required considerations in a manner sufficient to warrant approval; or conversely, does the application warrant denial, based on detailed written findings, in order to protect the public interest? The application addresses the issue of public interest in the following manner:

> "*This 'public interest' determination inherently requires the Town Commission to consider whether restoration of the Hotel is financially feasible. Obviously, the public interest would not be served by denial of an SCA application where restoration is not achievable. In support of its claim of economic hardship (addressed in more detail at Tab 1.3 hereof), Applicants have submitted a report by Hotel Valuation Services ("**HVS**") which clearly demonstrates that restoration of the Hotel is not financially feasible, therefore restoration is not achievable, and as such, the public interest in restoring the Hotel would not be served by denying the SCA Application. Applicants have submitted a study which clearly demonstrates that restoration of the Hotel is not financially feasible and, therefore, restoration is not achievable. The public interest in restoring the Hotel would not be served by denying the SCA Application as there is no reasonable prospect for restoration and the Hotel will continue to deteriorate. The public interest will be served by authorizing demolition of the Hotel to permit redevelopment and to support an economically viable use. The redevelopment will generate substantial additional tax revenue and will include a significant historic preservation component as required by the PMU ordinance.*
>
> *The public interest is served by demolition of the Hotel because the deteriorated condition is a nuisance to the surrounding properties and is detrimental to the property values in the community. As part of its claim of economic hardship, Applicants have submitted a Limited Structural Condition Survey prepared by McCarthy & Associates, Inc. (See Tab 1.3.1.10) which established that the physical condition of the Hotel has deteriorated to the stage that some of the structures should be condemned and other are nearly to that condition." (See Tab 1.2, Page 1-2)*

Based on the arguments advanced by the application that a structural condition survey has determined the Hotel is in a significantly deteriorated condition (See McCarthy & Associates Report - Tab 1.3.1.10); restoration of the Hotel is not financially feasible (See HVS study - Tab 1.3.1.11); and that redevelopment of the site as proposed in the Master Plan and Preliminary Development Plan will remove the current blighted condition of the property and its negative impact on adjoining residential and recreation /open space uses, it is difficult to construct a rationale and affirmative finding that denial of the subject application would serve the public interest.

CONCLUSION AND RECOMMENDATION

Conclusion

Based on the information and substantive documentation submitted in the Application for Special Certificate of Appropriateness for Demolition of the Belleview Biltmore Hotel and Cottages, and the review and analysis of these materials by staff and third party consultants, staff finds, subject to such additional competent substantial evidence as may be established in the course of public hearing, as follows:

1) The application is consistent with the applicable provisions of the Town Comprehensive Plan;
2) The application is consistent with the overall purpose, intent and procedure required of Section 74-332 Historic Preservation;
3) The application has duly considered and adequately addressed the criteria set forth in Sec. 74-332 (f) (4); and
4) The application has documented the information required and provided credible supporting evidence necessary to establish undue economic hardship pursuant to Sec. 74-332 (g).

Recommendation

Based on the above findings, and subject to such findings and evidence as may be established at public hearing, staff recommends the Historic Preservation Board recommend approval of the Application for Special Certificate of Appropriateness for Demolition to the Town Commission, subject to the following conditions:

1) Any approval by the Town Commission defer the effective date of the Special Certificate of Approval to be coterminous with, and subject to, the approval of the corresponding applications for rezoning, master plan, preliminary development plan, and development agreement; and
2) Any action by the Town Commission on the companion applications to authorize a demolition permit and reduction of code enforcement lien be similarly deferred until and unless the corresponding applications for rezoning, master plan, preliminary development plan and development agreement are approved.

ATTACHMENTS

Attachment No. 1	Town Land Development Code - Sec. 74-332 Historic Preservation
Attachment No. 2	Town Ordinance 387
Attachment No. 3 Development	Proposed Master Plan, Preliminary Plan and Elevations
Attachment No. 4	Affidavit and Summary Information Re: Economic Hardship
Attachment No. 5	PCE, Robert Buchanan: HVS Preliminary Report on Economic Feasibility

Attachment No. 1

Sec. 74-332. Historic preservation.

(a) *Purpose.* The purpose of this section is to implement the goals, objectives and policies of the comprehensive land use plan of the town by identifying and encouraging the protection of resources which reflect elements of the town's cultural, social, economic, political and architectural history.

(b) *Intent.*

(1) This section and regulations relating to this section are intended to:

a. Encourage the continuance, conservation and improvement of land uses in a manner appropriate to the preservation of the cultural, architectural and historical heritage of the town.

b. Foster civic pride in the beauty and notable accomplishments of the past.

c. Preserve and enhance environmental quality and the residential character and desirable aesthetic features of the town.

d. Encourage property owners against destruction of, or addition of features to significant structures likely to have adverse effects on the historic, architectural or cultural character of the significant structure.

e. Encourage the preservation of the historic integrity and appearance of significant structures.

f. Encourage the protection of historic districts against destruction, or encroachment of structures, uses or features likely to have adverse effects on their historic, architectural or cultural character.

g. Discourage developments in the visual environs of such areas or structures which would detract from their character.

(2) It is hereby declared as a matter of public policy that the identification and designation and the encouragement of the preservation and protection of historic, architecturally and culturally significant resources within the town is necessary and proper to promote the aesthetic, economic, environmental and educational welfare of the public.

(c) *Definitions.* For the purposes of this section, the following terms shall have the meanings respectively ascribed to them, except where the context clearly indicates a different meaning:

Alteration means any act or process that changes one or more of the exterior architectural features of a building or structure, including, but not limited to, the erection, construction or reconstruction of any building or structure.

Applicant means the owner of record of a property or the authorized agent of the owner.

Application means the three-part historic preservation property tax exemption application DOS Form No. HR3E101292, effective 1-31-94 and revised 9-3-00. This form may be obtained at the Town Hall, Office of the Town Clerk, or by writing the Florida Bureau of Historic Preservation, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Assessed value means the total value of a tax parcel (including structures, land and other rights appurtenant thereto) as determined by the county property appraiser and shown on the property tax bill sent to the property owner of record.

Building means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals or property of any kind.

Certificate of appropriateness means a certificate issued by the town commission or town manager, as the case may be, permitting certain alterations or improvements to a designated significant structure or designated historic district.

(1) *Standard certificate of appropriateness.* A standard certificate of appropriateness shall be issued by the town manager or designee, based on the guidelines and standards for preservation approved by the town commission.

(2) *Special certificate of appropriateness.* For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued by the town commission after recommendation of the historic preservation board.

Construction means the act of adding or addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.

Covenant means the historic preservation tax exemption covenant required to be recorded with the deed for property in the official records of the county to obtain the tax exemption pursuant to this section.

Demolition means any act or process that destroys a building or structure, in part or in whole.

Demolition by neglect means a situation in which a property owner intentionally or inadvertently allows a historic property to suffer severe deterioration, potentially beyond the point of repair.

Department of State means the State of Florida Department of State.

Designation report means a document prepared by the town manager or his designee for all properties or districts which are proposed for historic designation, including the boundaries of the proposed historic property or district and a summary of its historical significance, and containing location maps and a review guide which describes the physical characteristics of the property or district, and including those findings and recommendations by the historic preservation board pursuant to subsection 74-332(d)(5) herein.

Division of Historical Resources means State of Florida Division of Historical Resources.

Historic district means an area designated as an historic district by an ordinance of the town, and which may contain within definable geographic boundaries one or more significant structures and which may have within its boundaries other buildings or structures that, while not of such historic or architectural significance to be designated as significant structures, nevertheless contribute to the overall visual characteristics of the significant structure located within the historic district.

Historic property means property that is designated by the town as a historic property pursuant to this section or that is listed in the National Register of Historic Places maintained by the Secretary of Interior and as established by the National Historic Preservation Act of 1966, as amended.

Improvements means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation, or rehabilitation of such property. Improvements include additions and accessory structures (i.e. a garage, cabana, guest cottage, storage/utility structure) so long as the new structure is compatible with the historic character of the building and the site in terms of size, scale, massing, design and materials, and preserves the historic relationship between a building or buildings, landscape features and open space.

Local historic preservation office means the office certified by the State of Florida Division of Historical Resources as qualified to review applications for the historic property tax exemptions as established pursuant to Florida Statutes, either a Town of Belleair office, or a state certified local historic

preservation office that is authorized by interlocal agreement with the Town of Belleair to review such applications.

National Register of Historic Places means a national listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Reconstruction shall mean the process of reproducing by new construction the exact form and detail of a demolished building, improvement or structure as it appeared at a certain point in time.

Rehabilitation shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property that are significant to its historic, architectural, and cultural features.

Relocation shall mean the act of preserving an historic structure that cannot remain on its existing site by physically moving it to a new location.

Restoration shall mean the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Secretary of the Interior's Standards for Rehabilitation (as revised March 1990) means a national publication that provides guidance on the sensitive rehabilitation of a historic property. The ten standards generally address design issues, which include character defining elements, changes which have occurred over the course of the property's history, desirable approaches to the repair of damaged features, appropriate cleaning methods, archaeological or paleontological resources, and new construction in connection with a historic property.

Significant structure means a building or structure designated as a significant structure by ordinance of the town, pursuant to procedures described in this section, that is worthy of rehabilitation, restoration and preservation because of its historic or architectural significance to the town.

Structure means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, bridges, gazebos, monuments, street markers, signs and light poles.

Survey and inventory [means] a comprehensive survey by or under the direction of [the] historic preservation board involving identification, research, and documentation of buildings, sites, and structures of any historic, cultural, archaeological, or architectural importance in town.

Tax exemption means the ad valorem tax exemption for historic properties authorized pursuant to this section.

Undue economic hardship means a finding that failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

Useable space means that the portion of the space within the building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

(d) *Designation of significant structures and historic districts.*

(1) *Nomination.* Nominations of significant structures for historic preservation shall be made to the historic preservation board or the town commission, and may be submitted by a member of the historic preservation board, by the owner of the property or structure to be nominated, or by the town commission or any member thereof by filing an application for designation with the town manager or designee.

(2) *Notice to property owner.* Notice of a proposed designation shall be sent by certified mail at least 30 days prior to the designation hearing to the owner of the property proposed for designation, inviting the property owner to participate in the designation hearing to discuss the meaning of designation, the advantages, both historically and financially, of historic preservation of the property, and to encourage the property owner to preserve the property consistent with its historic character and proposed designation. The property owner shall, by written notification, indicate his consent or lack of consent to the designation no later than the close of the designation hearing.

(3) *Designation hearing.* Prior to making a recommendation for designation of any significant structure or historic district to the town commission, the historic preservation board shall hold a public hearing no sooner than 30 days and within 60 days from the date of the filing of an application for designation. Notice of the time and place, including a description of the proposed designation of the property and its location, shall be published in a newspaper of general circulation in the town at least ten days prior to the hearing. The historic preservation board, property owners and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic or architectural importance of the proposed significant structure or historic district. The record may also contain expert testimony, public comments, or other evidence offered outside of the hearing.

(4) *Criteria for designation.* The historic preservation board shall investigate and make a determination as to whether a nominated property, building, structure or area meets one or more of the following criteria:

a. Its character, interest or value as part of the development, heritage, or cultural characteristics of the town, county, state or nation.

b. Its location as a site of significant local, county, state or national event.

c. Its identification with a person or persons who significantly contributed to the development of the town, county, state or nation.

d. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.

e. Its identification as the work of a master builder, craftsman, designer, engineer, architect, landscape architect or planner whose individual work has influenced the development of the town, county, state or nation.

f. Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.

g. Its embodiment of design elements that make it structurally or architecturally innovative.

h. Its unique location or singular physical characteristics that make it an established or familiar visual feature.

i. Its suitability for preservation or restoration.

j. Where the interior of a building or structure is designated, the designation shall include a finding designating the specific portions of the interior that make it suitable for designation and a finding that the interior is accessible to the public as a common area in the normal course of the building's use.

Any structure, property or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

(5) *Findings and recommendation.* The historic preservation board, after its review and investigation of a nominated property, shall forward its recommendation, if any, to the town commission on whether or not to make the designation, together with a written designation report with findings of fact. The designation report shall review the testimony at the meeting, survey information and other material the historic preservation board has assembled and, if the board recommends designation, shall explain how the property under consideration meets one or more of the above criteria.

(6) *Designation of significant structure.* The town commission shall enact an ordinance designating an individual property, building, landmark or structure as a significant structure if it:

a. Possesses special character or historic or aesthetic interest or value as part of the cultural, social, economic, political and architectural history of the town, county, state or nation;

b. Is identified with a person, event or period of historic significance;

c. Embodies the distinguishing characteristics of an architectural style, or a master builder, craftsman, designer, architect or landscape architect that was influential in the history of the town, county, state or nation; or

d. Is, by virtue of its design or location, important to maintaining the unique character of the town.

(7) *Designation of historic district.* The town commission shall enact an ordinance designating a group of properties, buildings or structures as an historic district if it:

a. Contains properties, landmarks, buildings or structures which meet one or more of the criteria for designation of a significant structure, and by reason of possessing such qualities, it constitutes a distinct section of the town;

b. Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship; or

c. Is representative of the notable works of one or more master builders, craftsmen, designers, architects, landscape architects or planners that was influential in the history of the town, county, state or nation. The boundaries of each historic district designated shall be specified in detail and shall be filed, in writing, in the town clerk's office for public inspection.

(8) *Effect of designation.*

a. This section and historic designation is intended to encourage the preservation of significant historic resources in these ways:

1. By providing official recognition of the historic significance of the property and encouraging consideration of its historic value in future development planning;

2. By imposing limited protection from activities involving funding, licensing or assistance by federal agencies that could result in damage or loss of the property's historic values; and

3. By making the property eligible for federal financial incentives for historic preservation.

4. By ensuring that development (including reconstruction), relocation or redevelopment (including rehabilitation or restoration) of the resource meets standards and guidelines for preservation as adopted by the town commission.

b.

Designated significant structures and historic districts, at the option of the town commission and consistent with state law, may be eligible for forms of relief from variance fees, building codes and other relief.

(9) *Amendment or rescission; appeal.* Designation may be amended or rescinded upon petition to the town commission on the basis of changed circumstances and according to the same criteria set forth herein for designation.

(10) *Comprehensive land use plan.* Following designation, the town manager shall initiate action at the earliest possible date to amend the town's comprehensive land use plan to identify designated significant structures and historic districts on the land use map.

(11) *Moratorium.* Upon the filing of an application for designation, until such time as a final decision has been made by the town commission, no individual or private or public entity shall:

a. Erect any structure on the subject property; or

b. Alter, restore, renovate, move or demolish any structure on the subject property.

(12) *Property owner consent.* Designation by the town commission of a structure that is less than 100 years old or that is not listed on the National Register of Historic Places shall require the consent of the owner of the subject property.

(13) *Property owner objection.* Objections by property owners must be notarized to prevent nomination to the National Register of Historic Places.

(e) *Application of certificate of appropriateness.* No significant structure or historic district which is designated under this section shall be altered, restored, rehabilitated, renovated, excavated, relocated or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements has been reviewed and approved pursuant to the procedures in this section.

The town commission hereby adopts the U.S. Secretary of the Interior's Standards for Rehabilitation by which applications for any certificate of appropriateness are to be measured and evaluated. In adopting these standards and guidelines, it shall be the intent of the commission to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for the town manager or designee to make decisions regarding applications for standard certificates of appropriateness. From time to time, the town commission, with the advice of the historic preservation board, may adopt additional standards to preserve and protect special features unique to the town.

A certificate of appropriateness shall be, in addition to any other building permits, required by law. The issuance of a certificate of appropriateness from the commission shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

(1) *Standard certificate of appropriateness.* An applicant for a standard certificate of appropriateness shall submit an application to the town manager or designee with information in the form of plans, drawings or photographs as deemed necessary by the town manager to fully describe the alteration. Based on the town's adopted standards and guidelines for preservation, the designation report, a complete application for standard certificate of appropriateness, and any other guidelines the town commission may deem necessary, the town manager or designee, within ten days from the date a complete application has been filed, may approve or deny the application for a standard certificate of appropriateness. The findings of the town manager or designee shall be mailed to the applicant within five days of such decision, accompanied by a statement in full regarding the decision. The applicant shall have an opportunity to challenge the decision by applying within 30 days for a special certificate of appropriateness.

The issuance of a standard certificate of appropriateness may include, but is not limited to the following:

a. Ordinary repairs and maintenance that do not change the architectural integrity of the structure.

b. Exterior alterations and forms of new exterior construction when the total cost is less than $25,000.00.

c. Minor modifications to previously approved certificates of appropriateness, including but not limited to:

1. Any change to a structure equal to or less than ten percent of the total gross building floor area, not to exceed 6,000 square feet gross floor area; or

2. For parking and landscaping areas, any change equal to or less than ten percent of the total lot area.

In each case, a minor modification cannot change or waive any condition specified by the commission.

(2) *Special certificate of appropriateness.*

a. An applicant for a special certificate of appropriateness shall submit an application to the historic preservation board with full plans and specifications, site plan and samples of materials as deemed appropriate by the historic preservation board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any accessory structures, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the historic preservation board to visualize the effect of the proposed action on the applicant's building, its site, and its adjacent buildings and streetscapes. If such application involves a designated archeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.

b. The historic preservation board shall hold a public hearing upon an application for a special certificate of appropriateness and shall forward a recommendation for approval, denial, or approval with conditions to the town commission. Notice of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten days prior to the hearing.

c. The town commission shall consider the recommendation of the historic preservation board at a public hearing. Notice of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten days prior to the hearing. The decision of the town commission shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the town commission. When an application is denied, the town commission shall provide a written explanation of its decision to disapprove the application.

d. Unless otherwise provided in the certificate of appropriateness, both regular and special certificates of appropriateness shall expire after 365 days. The town manager or designee may grant extensions of time of up to an additional 180 days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed, and provided a written request is filed and work is commenced before expiration of the certificate.

(f) *Demolition.*

(1) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this

paragraph, and all other applicable requirements of the Town Code have been met. Denial by the town commission of a special certificate of appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be preserved. The town commission shall be guided by the criteria contained in subparagraph (4) below.

(2) The town commission may grant approval for a special certificate of appropriateness to demolish with a deferred effective date of up to 365 days from the date of the commission's decision. The effective date shall be determined by the commission based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the commission may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this section. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features. After the specified expiration date of the deferred special certificate of appropriateness, a demolition permit may be approved by the town commission at a public hearing.

(3) In connection with any certificate of appropriateness, standard or special, for demolition of buildings or improvements designated as historic structures or located in an historic district, the commission may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The commission may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.

(4) In addition to all other provisions of this article, the commission shall consider the following criteria in evaluating applications for a special certificate of appropriateness for demolition of designated properties:

a. Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic structure or is so designated?

b. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?

c. Is the structure one of the last remaining examples of its kind in the neighborhood, the county, or the region?

d. Does the structure contribute significantly to the historic character of a designated district?

e. Would retention of the structure promote the general welfare of the town by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?

f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

(g) *Economic hardship.* Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of this section would result in serious undue economic hardship that would amount to a taking of property without just compensation or, for properties producing income at the time of the application for a certificate of appropriateness, failure to achieve a reasonable economic return to the applicant, the town commission shall have the power to vary or modify adherence to this section; provided, always, that its requirements ensure harmony with the general purposes hereof and will not adversely affect the town.

(1)

In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the town commission at least 30 days prior to the public hearing, the following information:

a. For all property:

1. The amount paid for the property, the date of purchase and the party from whom purchased; and
2. The assessed value of the land and improvements thereon according to the two most recent assessments; and
3. Real estate taxes for the previous two years; and
4. Annual debt service, if any, for the previous two years; and
5. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property; and
6. Any listing of the property for sale or rent, price asked and offers received, if any; and
7. Any consideration by the owner as to profitable adaptive uses for the property; and
8. All cost estimates or reports relating to the demolition of the property obtained within the previous two years; and
9. All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two years; and
10. All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous two years; and
11. All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous two years, including market studies.

b. For income-producing property, the commission may consider the following in determining whether to grant an economic hardship variance:

1. Annual gross income from the property for the previous five years; and
2. Itemized operating and maintenance expenses for the previous five years; and
3. Annual cash flow, if any, for the previous five years.

(2) The town commission may require that an applicant furnish such additional information as the commission believes is relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the commission. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained. It shall be the applicant's evidentiary burden, however, to support its claim that the denial of a demolition permit will cause undue economic hardship.

(h) *Maintenance of designated properties.* Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

(i) *Demolition by neglect.*

(1) *Affirmative maintenance required.* The owner of a property designated pursuant to this section either individually or as a contributing part of a district shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against such

decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

a. Facades which may fall and injure the subject property, adjoining property, or members of the public.

b. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

c. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

e. Any fault or defect in the property which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.

(2) *Enforcement.* In the event the town manager or designee determines that a historically designated structure or a structure is in the course of being demolished by neglect, the town manager or designee shall notify the owner of record of such preliminary findings, stating the reasons, and shall give the owner of record 30 days from the date of such notice in which to commence work rectifying the evidence of neglect. Such notice shall be accomplished by certified mailing to the last known address of the owner of record or, in the event that this procedure is unsuccessful, then by attaching such notice to the structure for a seven-day period.

Upon the failure of the owner of record to commence work within 30 days of such notice, the town manager shall notify the code enforcement board and request a hearing. Written notice of the request for a hearing and subsequent procedures shall comply with the criteria established pursuant to section 66-412 of the Town Code.

Pursuant to section 66-412 of the Town Code, the code enforcement board, upon finding a violation, shall issue an order to comply. Fines may be levied against the property owner, as well as a lien against the land on which the violations exist.

If the town manager or designee determines that the code enforcement process delineated in section 66-412 would be an inadequate response to a given violation, the town may pursue both civil and criminal penalties pursuant to section 66-413 of the Town Code.

(j) *Appeals of a decision.* An appeal of the decision of the town commission to approve or deny a historic designation or certificate of appropriateness may be made to the circuit court for the county by filing a petition for writ of certiorari as provided under the Florida Rules of Appellate Procedure for the review of the quasi-judicial rulings of municipal agencies.

(k) *Previously approved and designated properties.* Properties designated as historic structures by the town as of the effective date of this section shall remain so designated and alterations or changes to said structures shall be subject to this section.

(l) *Vested rights.* Nothing in this section shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

(1) A governmental act of development approval was obtained prior to the effective date of this section; and

(2) The approval is one upon which the property owner has detrimentally relied, in good faith, by making such a substantial change in position or incurring such extensive obligations and expenses; and

(3) That it would be highly inequitable to deny the property owner the right to complete the development.

Any property owner claiming to have vested rights under this subsection (l) must file an application with the town commission for a vested rights determination within 30 days after the effective date of this section. The application shall be accompanied by a fee of $500.00 and contain a sworn statement as to the

basis upon which the vested rights are asserted, together with documentation required by the town manager and other documentary evidence supporting the claim. The town commission shall hold a public hearing on the application, and based upon the evidence submitted shall make a determination as to whether the property owner has established vested rights for the development of the property. To the extent that a property owner demonstrates vested rights, the provisions of this section shall not be applied.

(m) *Ad valorem tax exemption for established historic properties.*

(1) The purpose of this subsection is to create a program that allows tax exemptions for historic property so as to stimulate preservation and revitalization of those properties and to ease the burden on owners of maintaining these properties.

(2) Two types of exemptions from Town of Belleair ad valorem taxes are hereby established:

a. An exemption for up to 100 percent of the assessed value of improvements to any historic property that result from the restoration, renovation or rehabilitation of the property which applies only to improvements to real property (pursuant to F.S. § 196.1997), excluding those properties qualifying for exemption under subsection (m)(2) b. of this Code; and

b. An exemption for up to 100 percent of the assessed value of historic properties that undergo qualified improvement, and which are used for nonprofit or governmental purposes and regularly or frequently open for the public's visitation, use and benefit (pursuant to F.S. 196.1998).

(3) Properties that seek an ad valorem tax exemption must qualify under this paragraph and must be approved by the town commission. No improvements made prior to the adoption of this section may qualify for the tax exemption. Improvements must be authorized by issuance of a building permit. The exemptions do not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

(4) In order for an improvement to qualify a property for an exemption, the improvement must:

a. Be established as a historic property and the improvements must be approved for restoration, renovation, or rehabilitation under this section prior to any tax exemption approval.

b. Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; and

c. Be determined by the historic preservation board to meet criteria established in rules adopted by the Florida Department of State, Chapter 1A-38, F.A.C.; and

d. Be completed within three years from the date of approval of a complete preconstruction application. A preconstruction application approval shall automatically be revoked if the property owner has not submitted a request for review of completed work within three years following the date of approval of a preconstruction application. The town commission may grant an extension to this provision for up to six months if such request is made in writing prior to the expiration of the initial period; and

e. Contain a minimum of $2,500.00 worth of improvements to the exterior of the property, unless it has been documented in the preconstruction application that no improvements to the exterior of the property are needed; and

f. Meet the certificate of appropriateness requirements for a qualifying restoration, renovation, or rehabilitation.

(5) Any tax exemption granted pursuant to this section shall remain in effect for the period set forth in the resolution approving the application for exemption not to exceed ten years, so long as:

a. The covenant required of the property owner by this section is maintained.

b.

The improvements which qualified the property for an exemption are maintained over the period for which the exemption is granted; and

c. The exemption is not otherwise disqualified and duly revoked pursuant to paragraph (m)(14) below.

(6) The dollar amount of the tax exemption will be the percentage, (one percent to 100 percent) as established by the town commission at the time of approval of the application for exemption, of the assessed value of the qualified improvements, which assessed value is determined by the county property appraiser's office. This dollar amount will be fixed for the duration of the tax exemption based on the property improvement's assessed value in the year the property improvement is completed.

(7) Tax exemption for historic properties open to the public and used for nonprofit or governmental purposes.

a. A property that is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use and benefits, as defined under Chapter 1A-38, F.A.C., may qualify for the town commission's exemption for 100 percent of the assessed value of the property as improved. The assessed value of the qualifying improvement must be equal to at least 50 percent of the total assessed value of the property as improved. The qualifying improvements must be made by or for the use of the existing property owner.

b. The historic property will be considered used for nonprofit or governmental purposes if the occupant or the user of at least 65 percent of the useable space for the building is an agency of the federal, state, local government, or a nonprofit corporation, whose articles of incorporation has been filed by the Department of State in accordance with F.S. 617.0125.

c. A historic property is regularly and frequently open to the public if access to the property is provided for no fewer than 52 days a year on an equitable basis or at other times by an appointment. The property owner may charge a reasonable nondiscriminatory admission fee.

d. The tax exemption shall be subject to revocation under this section if the property is no longer regularly and frequently open to the public, or if the ownership is transferred to a nonqualifying owner.

(8) The applicant must obtain approval by the local historic preservation office of plans for construction before commencing construction. The applicant must also obtain a certificate of appropriateness as required by this section. Failure to obtain prior approval shall result in denial of the tax exemption.

a. A preconstruction application for improvement of a historic property must be submitted to the town on a form prescribed by the Department of State, along with all designated applicable fees. The town shall forward the submittals to the local historic preservation office. Any improvement or any portion of an improvement initiated prior to approval of the preconstruction application or a certificate of appropriateness as required by this section will not be eligible for a tax exemption.

b. The preconstruction application must contain the following information:

1. Name of the property owner and the location of the historic property;
2. A description of the improvements to the real property for which a tax exemption is requested, the anticipated costs of the improvements, and the anticipated beginning date for the construction of the improvements;
3. Proof that that property has been previously designated as a historic property or is listed on the National Register of Historic Properties;
4. Proof that the improvements to the property will be consistent with the United States Secretary of the Interior's Standards for Rehabilitation and will be made

in accordance with guidelines developed by the Department of State, Chapter 1A-38, F.A.C.;

5. Other information as identified in applicable Florida Department of State regulations; and

6. If necessary, a completed application for a certificate of appropriateness for the qualifying restoration, renovation or rehabilitation. The certificate of appropriateness must be approved prior to any completion of construction.

c. The local historic preservation office shall review the application for work and notify the applicant in writing of the results of the review. The local historic preservation office shall make recommendations for correction of any planned work that it finds does not meet the criteria of this section.

d. Any changes made to the plan of improvements after approval of the preconstruction application must receive prior approval of the local historic preservation office to ensure compliance with the criteria of this section.

e. The local historic preservation office shall have the authority to inspect the interior or exterior of the property, as applicable to the plan of construction, to ascertain the effect, if any, of the improvement project on significant historical or architectural features. The local historic preservation office shall make arrangements with the property owner for such inspection.

f. The historic preservation board shall be notified of the application submittal, and the results of the local historic preservation office's review of the preconstruction application.

(9) Once the work has been completed, the applicant must obtain a historic preservation board recommendation and a town commission approval of the work.

a. A request for review of a completed work application shall be submitted to the local historic preservation office upon completion of the property improvement. The local historic preservation office shall review the application and provide a written recommendation and reasons therefore, to the town commission and to the historic preservation board, with a copy to the applicant. The review will be conducted in accordance with the rules adopted by the Department of State, Chapter 1A-38, F.A.C.

b. The local historic preservation office shall have the right to inspect the completed property improvement to verify that the work is completed in accordance with the approved preconstruction application. The local historic preservation office shall make arrangements with the owner for an inspection. This inspection will determine whether the property improvement has been constructed to meet the criteria for tax exemption.

c. In order to determine the assessed value of improvements, whether exterior or interior to the property, the county property appraiser's office shall be permitted by the owner to inspect the improvements after the tax exemption has been granted by the town commission.

(10) A covenant is required to be entered into between the property owner and the town commission for the term for which the tax exemption is granted. The form of the covenant must be approved by the Florida Department of State.

a. The covenant shall provide that the property owner, his successors or assigns, shall maintain and repair the property so as to preserve the historic qualities and integrity of the property during the period for which the tax exemption was approved. If the exemption is granted, the property owner shall record the covenant with the deed for the property in the official records of the county prior to the effective date of the tax exemption. A certified copy of the recorded covenant shall be provided to the town commission within 30 days of the approval of the tax exemption or the approval shall be void and of no effect.

b. Violation of the covenant shall subject the property owner to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption, and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. 212.12(3).

c. The requirements of the covenant must be transferred to the new owner if the property changes ownership during the tax exemption period. The new property owner may sign a waiver to discontinue the tax exemption, with no penalty to the new property owner. The tax exemption shall not be reinstated after the waiver has been delivered to the town manager. A copy of the waiver shall be delivered by the property owner to the county property appraiser's office. The waiver will discontinue the tax exemption in the tax year in which the waiver was received, if the waiver is received by the property appraiser's office by July 1. A waiver received by the property appraiser's office after July 1 shall cause the discontinuance to be effective the following tax year.

d. With respect to nonresidential properties, the covenant may require that the primary business use of the property and of any structures, facilities or land that are associated with such business use at the time the exemption is granted shall be continuously conducted.

(11) The town commission shall review and take action on applications for tax exemption.

a. Once the local historic preservation office has reviewed a post construction application, it shall deliver a copy of the application, its recommendation to grant or deny the tax exemption and the proposed covenant to the historic preservation board and the town commission. The historic preservation board shall make a recommendation to the town commission prior to the town commission's consideration of the application.

b. The town commission shall by resolution then approve, modify, defer or deny an application for a tax exemption. Any approval must be accompanied by the covenant required under this section and approved by majority vote of the town commission. If approved, the tax exemption shall take effect on January 1 of the year following the resolution approving the tax exemption. The approval shall be conditioned upon receipt by the town commission of the recorded covenant.

c. The resolution by the town commission shall include but not be limited to the following:

1. The name of the property owner and the address of the historic property for which the tax exemption is granted;
2. The period of time for which the tax exemption will remain in effect and the expiration date of the tax exemption;
3. A finding that the historic property and the improvement meets the requirements of this section; and
4. Any conditions of approval.

(12) On or before March 1, the town commission will deliver to the county property appraiser a copy of each application for a historic property tax exemption approved in the previous calendar year. After certification of the assessment roll or recertification for the tax exemption and pursuant to F.S. 193.122, the county property appraiser shall report the following information to the town commission:

(a) The total taxable value of all property within the Town of Belleair for the current fiscal year; and

(b) The total exempted value of all property in the Town of Belleair which had been approved to receive an historic ad valorem tax exemption for the current fiscal year.

(13) The property owner with a tax exemption may reapply for additional improvements to a property during the tax exemption period or apply for additional tax exemptions for additional improvements following the expiration of the tax exemption period. The property owner is not

allowed to reapply for a tax exemption that has been previously denied for a specific property improvement.

(14) A tax exemption may be revoked by the town commission at any time in the event that the property owner, any subsequent property owners, or a successor in interest to the property:

a. Violates the covenant, or

b. Fails to maintain the historic property according to the terms, conditions, and standards of the covenant, the historic character of the property and improvements which qualified the property for the tax exemption are not maintained, or

c. If the qualifying property has been damaged by accidental or natural causes to the extent that the historic integrity of the features, materials, appearances, workmanship, environmental, or archeological integrity which made the historic property eligible for listing or designation have been lost or damaged so that restoration is not possible.

Notice of such proceedings shall be provided to the historic property owner of record at the time of the proceeding. The town commission shall hold a public hearing to determine whether or not the tax exemption shall be revoked and whether and in what amount the property owner owes back taxes pursuant to this section. A written notice of the decision by the town commission will be provided to the historic property owner of record and, if the decision is to revoke, to the county property appraiser.

(n) *Time frame for reviews and consideration of development permit.* The commission shall hold a public hearing on each certificate of appropriateness for relocations and demolitions and exterior alterations and forms of new construction when the total cost is $50,000.00 or more with 30 days after receipt of a completed application. The commission shall approve, approve with conditions, or disapprove each application, based on the criteria contained in this chapter. The commission may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. The commission shall act within 60 days after the close of the public hearing.

(o) *Survey and inventory of historic properties.* Develop and maintain a database and a system for survey and inventory of historic properties. The inventory shall be:

(1) Compatible with the state master site file.

(2) Kept current and regularly provided to the state historic preservation officer for incorporation in the state master site file.

(p) *Coordination with the State of Florida's Division of Historical Resources Certified Local Government program.*

(1) The division shall be given 30 days prior notice of all meetings and within 30 days following such meetings the division shall be provided with the minutes and record of attendance of both the board and the public.

(2) The division shall be notified of any changes to the board members within 30 days of their appointment.

(3) Notify the state historic preservation officer immediately of all new historic designations or alterations to existing designations.

(4) Any amendments to the article shall be submitted to the state historic preservation officer for review and comment at least 30 days prior to adoption.

(5) The division of historic resources shall be provided with an annual report by November 1 covering activities to the previous October 1 through September 30 and shall include the following information:

a. Any changes in the board's rules of procedure;

b. All new National Register listings;

c. All new local historic designations and alterations to existing designations;

d. Any changes to board memberships and a copy of their resumes;

e. Revised resumes of board members as appropriate;

f. Any amendments to this chapter;

g. A review of survey and inventory activity with a description of the system used;

h. A program report on each grant-assisted activity; and

i. Number of projects reviewed.

(Ord. No. 399, § 1, 11-20-01; Ord. No. 429, §§ 3—5, 10-26-05; Ord. No. 448, § 2, 12-4-07; Ord. No. 463, § 3, 7-21-09; Ord. No. 480, 9-4-12)

Cross reference— *Historic preservation board, § 66-131 et seq.*

ORDINANCE NO. 387

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, DESIGNATING SPECIFIC INDIVIDUAL PROPERTIES, BUILDINGS, AND STRUCTURES AS HISTORICALLY SIGNIFICANT STRUCTURES, PROVIDING FOR AN AMENDMENT PROCEDURE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Belleair's Comprehensive Land Use Plan encourages the protection of resources, which reflect elements of the town's cultural, social, economic, political, and architectural history; and

WHEREAS, the Town's Historic Preservation Board has, pursuant to Belleair Code Section 74-112, nominated several significant structures for historic preservation; and

WHEREAS, the Historic Preservation Board has submitted notice to the affected property owners, conducted an investigation, held a public meeting providing the affected owners opportunity to be heard, and determined which specific properties should be designated as historic structures; and

WHEREAS, the Historic Preservation Board has, after its review and investigation of the nominated properties, forwarded its recommendation to the Town Commission; and

WHEREAS, the Town Commission has reviewed the criterion for designation, and is enacting this ordinance, designating the structures as historically significant.

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Belleair, Florida, as follows:

SECTION 1. Pursuant to the Town of Belleair Code of Ordinances, Section 74-112(d) (6), the following properties, buildings, and/or structures are designated as historically significant structures:

Historic Name	Address
North Gates	Willadel & Druid Road S.
	160 Willadel Drive
	705 Indian Rocks Drive
South Gates	Willadel & Druid Road S.
	1311 Druid Road S.
	208 RickerRoad
	1570 Alexander
	1574 Druid Road S.
	1568 Druid Road S.

Historic Name	Address
	325 Belleview Boulevard
	426 Wildwood Way
	416 Wildwood Way
Belleview Hotel	Belleview Boulevard
Sunset Cottage	Belleview Boulevard
Magnolia Cottage	Belleview Boulevard
Palm Cottage	Belleview Boulevard
	322 Roebling Road, S.
	318 Roebling Road, S.
	305 Overbrook Drive
	951 Indian Rocks Drive
	456 Gardenia Street
	437 Gardenia Street
	440 Country Club Road
Palmer Estate	701 Bayview Drive
	1102 Palm View Avenue
	1106 Palm View Avenue
	229 Pine Road
	561 Palmetto Road
	647 Ponce de Leon Boulevard
	702 Osceola
	1351 Pinellas Road
	1336 Indian Rocks Road
	1330 Indian Rocks Road
	409 Bayview Drive
	540 Palmetto Road
	1601 Indian Rocks Road
	353 Rosery Road

Historic Name	Address
	South Entrance Gates
Old Town Hall/ Garden Club	903 Ponce de Leon Boulevard
	251 Pine Road
Belleair Estates	Town Plan
Landscape	Belleair Estates streets
Landscape	409 Bayview Drive

SECTION 2. This ordinance may be amended in accordance with Town of Belleair Code of Ordinances, Section 74-112(d)(10).

SECTION 4: This Ordinance shall be in effect 30 days after passage and approval upon second and final reading, in the manner prescribed by Section 2.11 of the Town Charter of the Town of Belleair, Florida.

PASSED ON FIRST READING THIS 16 DAY OF FEBRUARY, 1999

PASSED AND ADOPTED ON SECOND READING THIS 16 DAY OF MARCH, 1999.

Jack Donlan

Jack Donlan, Mayor

ATTEST:

Donna Carlen

Donna Carlen, Town Clerk

Attachment No. 3

MASTER PLAN PHASING SCHEDULE

1. THERE ARE EIGHT PARCELS FOR THE OVERALL PROJECT AS INDICATED ON THE MASTER PLAN. EACH PARCEL MAY BE DEVELOPED AS A SINGLE PHASE OR THE DEVELOPER MAY ELECT TO CONSTRUCT MORE THAN ONE PARCEL IN A PHASE.
2. THE PHASES OF THE PROJECT MAY BE DEVELOPED IN SUCH ORDER AS THE DEVELOPER DETERMINES TO BE APPROPRIATE BASED ON MARKET CONDITIONS.
3. THE SITE WORK WILL BE PHASED AS REQUIRED TO ACCOMMODATE THE BUILDING CONSTRUCTION.
4. PHASES SHALL BE COMPLETED BY THE FOLLOWING DEADLINES: 1&2–24 MONTHS; 2&5–36 MONTHS; 3&7–48 MONTHS; 4&6–60 MONTHS. THE PHASE DEADLINES SHALL START WHEN THE TOWN OF BELLEAIR HAS APPROVED THE SPECIAL CERTIFICATE OF APPROPRIATENESS, THE DEMOLITION PERMIT, THE REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN, RESCISSION OF EXISTING CODE ENFORCEMENT ORDER AND ANY OTHER PERMIT REQUIRED FOR DEVELOPER TO COMPLETE THE PROJECT (EXCEPT FOR BUILDING PERMITS); THESE TOWN AND OTHER APPLICABLE AGENCY APPROVALS ARE FINAL; ALL APPEAL PERIODS HAVE EXPIRED; AND ANY APPEALS OR CHALLENGES ARE RESOLVED.
5. CONSTRUCTION OF THE INN MUST BE COMMENCED PRIOR TO THE TOWN'S ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE THIRD CONDOMINIUM MID–RISE BUILDING.

PHASING DATA INFORMATION

PARCEL NUMBER	AREA IN ACRES	UNITS	DENSITY UNITS PER ACRE	TYPE	HEIGHT
1	2.29	26	11.4	CONDOMINIUMS	85'–4"
2	1.62	26	16.1	CONDOMINIUMS	85'–4"
3	1.68	26	15.5	CONDOMINIUMS	85'–4"
4	2.04	26	12.8	CONDOMINIUMS	85'–4"
5	1.60	15	9.4	TOWNHOUSES	32'–0"
6	1.37	13	9.5	TOWNHOUSES	32'–0"
7	1.31	33	25.2	ROOMS	53'–2"
8	0.40	0	0	N/A	N/A

NOTE: SEE SHEET 3 OF 23 FOR VICINITY AERIAL MAP.

JMC COMMUNITIES

JMC COMMUNITIES

MASTER PLAN

FLORIDA DESIGN CONSULTANTS, INC.

THINK IT. ACHIEVE IT.

2A of 23

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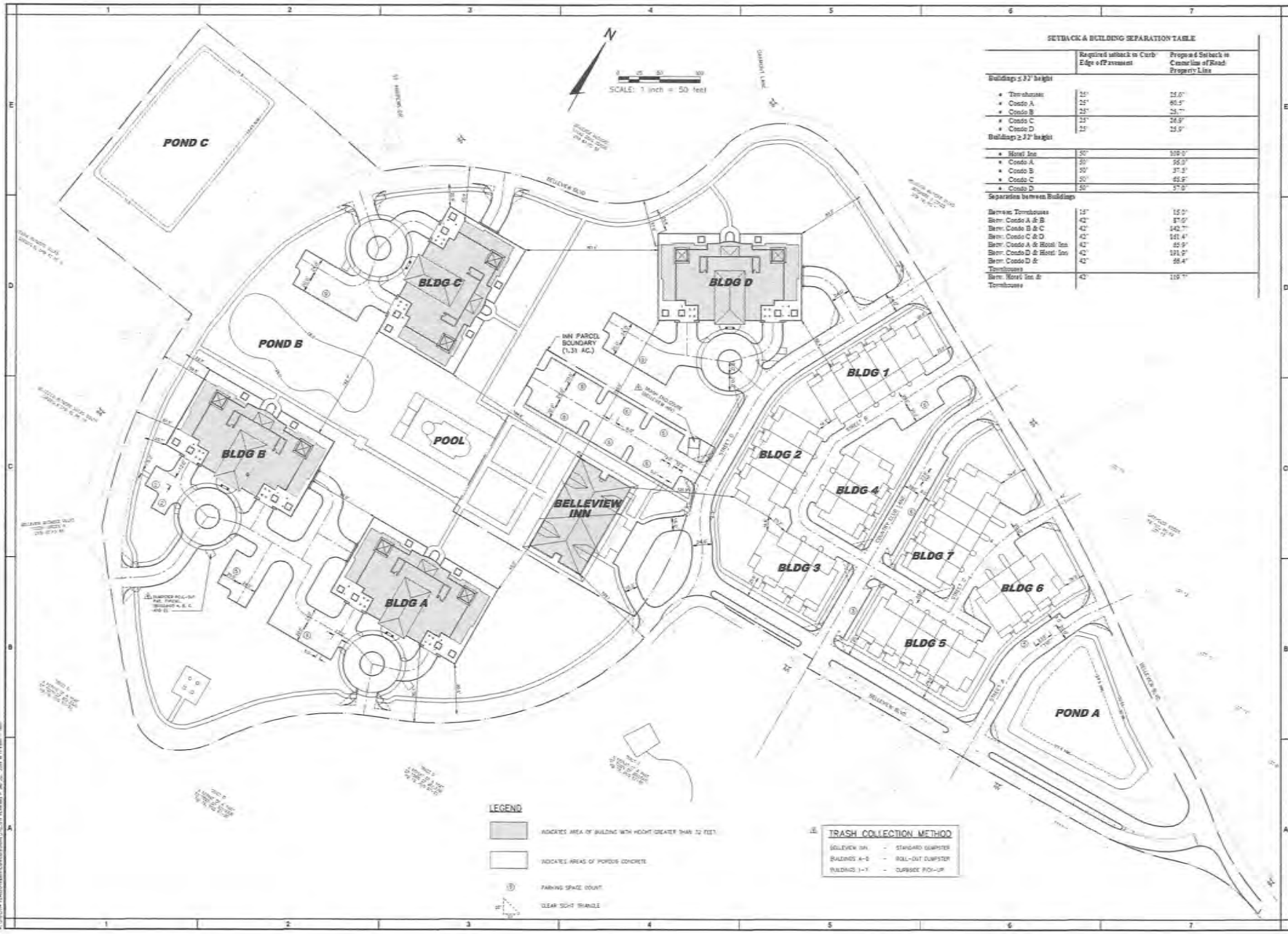

SETBACK & BUILDING SEPARATION TABLE

	Required setback to Curb/ Edge of Pavement	Proposed Setback to Centerline of Road/ Property Lines
Buildings ≤ 32' height		
• Townhouses	25'	25.0'
• Condo A	25'	85.5'
• Condo B	25'	28.7'
• Condo C	25'	26.9'
• Condo D	25'	25.0'
Buildings ≥ 32' height		
• Hotel Inn	50'	109.0'
• Condo A	50'	96.0'
• Condo B	50'	37.5'
• Condo C	50'	65.9'
• Condo D	50'	57.0'
Separation between Buildings		
Between Townhouses	15'	15.0'
Betw. Condo A & B	42'	87.0'
Betw. Condo B & C	42'	142.7'
Betw. Condo C & D	42'	101.4'
Betw. Condo A & Hotel Inn	42'	65.9'
Betw. Condo D & Hotel Inn	42'	101.9'
Betw. Condo D & Townhouses	42'	66.4'
Betw. Hotel Inn & Townhouses	42'	159.7'

2014.31	
310	
6-16-2014	
RAH	RAH
FED	BM
8-8-2014	4REQUIRED CLEARANCE HOMES

JMC COMMUNITIES

JMC COMMUNITIES

SITE PLAN

FLORIDA DESIGN CONSULTANTS, INC.
— THINK IT. ACHIEVE IT. —
3828 STARKEY BOULEVARD, NEW PORT RICHEY, FLORIDA 34655
PHONE: (800) 592-1647 FAX: (727) 848-3648 WWW.FLDESIGN.COM C.A. NO. 7421

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Santiesteban
& Associates
ARCHITECTS

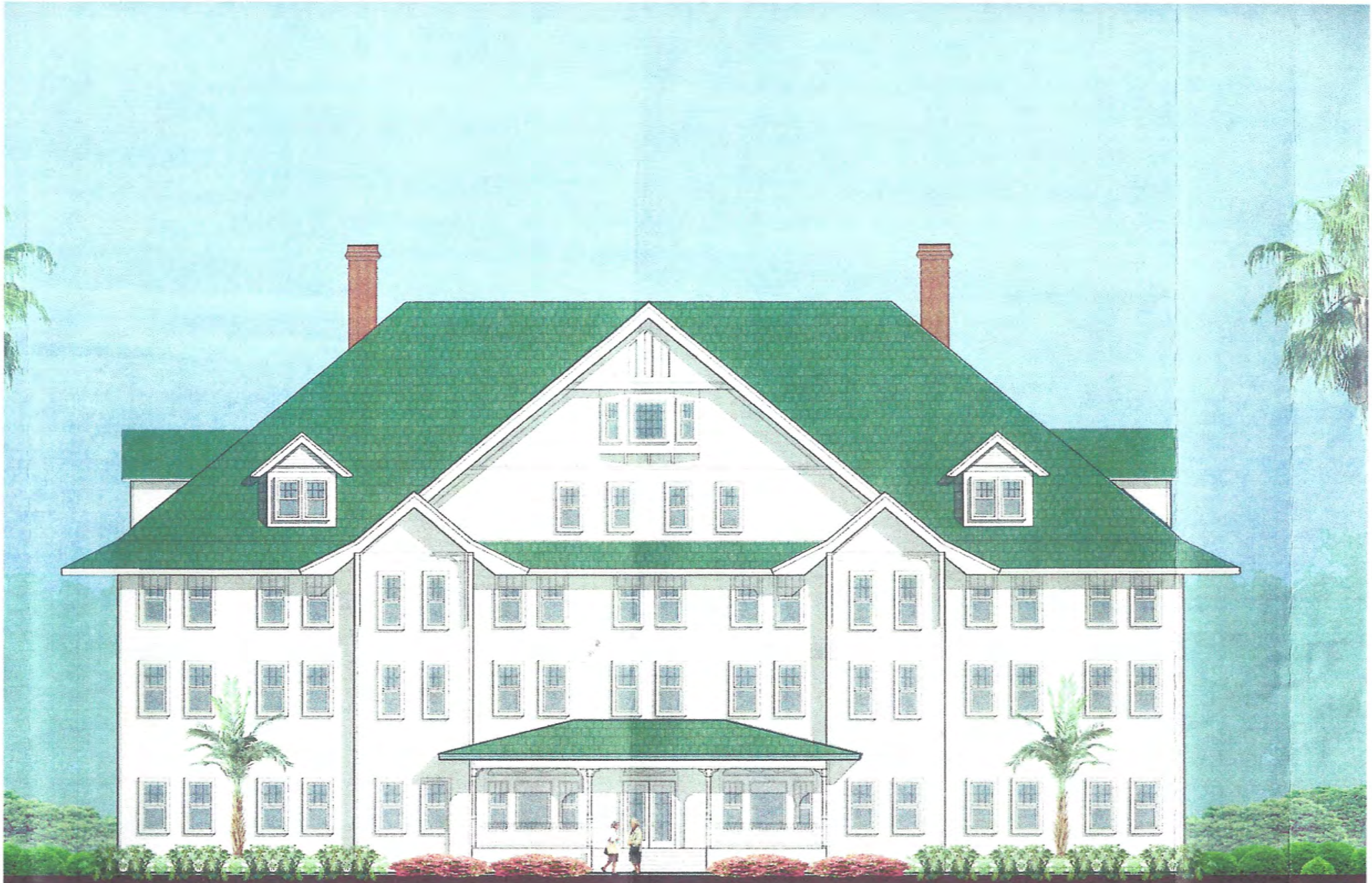
BELLEVIEW

MID-RISE BUILDINGS

Belleview Townhomes

Belleair, Florida

BSB DESIGN



THE BELLEVIEW INN

EA

Attachment No. 4

AFFIDAVIT OF RAPHAEL ADES

The undersigned, on behalf of BB Hotel LLC, 846 Lincoln Road, 4th Floor, Miami Beach, Florida 33139, being first duly sworn, state that to the best of my belief and knowledge, the following statements are true and correct, and are provided in support of the claim of economic hardship as related to the Special Certificate of Appropriateness for the demolition of the former Belleview Biltmore Hotel, pursuant to Section 74-332(g) of the Town of Belleair Code.

1. BB Hotel LLC acquired the former Belleview Biltmore Hotel property ("Hotel Property") by Deed In Lieu of Foreclosure from Belleview Biltmore Resort, LTD on December 20, 2010. The consideration allocated to the purchase of the Hotel Property was $3,120,000. See **Tab 1.3.1.1**.

2. The assessed value of the Hotel Property for the previous two years, including the improvements thereon, was $7,414,400 in 2012, and $6,171,600 in 2013 as reported on the Pinellas County Property Appraiser web site. See **Tab 1.3.1.2.**

3. The real estate taxes paid on the Hotel Property for the previous two years were $163,449.91 for 2012, and $132,510.30 for 2013 as reported on the Pinellas County Tax Collector web site. See **Tab 1.3.1.3.**

4. There has been no annual debt service paid for the past two (2) years by BB Hotel LLC as it holds the mortgage on the Hotel Property.

5. No appraisals on the Hotel Property have been obtained within the previous two years by BB Hotel LLC in connection with the purchase, financing or ownership of the Hotel Property.

6. The Hotel Property was listed for sale in June, 2012. An offer was received from Belleview Biltmore Partners ("BBP") and a purchase agreement was executed on March 15, 2012 with BB Hotel LLC and affiliates for a purchase price of $12,500,000 for the purchase of the Hotel Property and other properties ("BBP Contract"). The BBP Contract was cancelled due to default of BBP. An offer was received from Convergent Capital Partners LLC in October 2012 for a purchase price of $10,000,000. No contract was finalized. A new offer was made by BBP in November, 2013for a purchase price of $7,250,000. The required deposit from BBP was never made. A contract was entered into with Dimension Capital Partners in December 2013 for a purchase price of $6,000,000, which was terminated by the buyer during the due diligence period. An offer was received from JMC Communities, Inc. and an option agreement was executed on January 17, 2014 for a purchase price of $6,600,000, which remains in full force and effect. A portion of the Hotel Property consisting of approximately 2.3 acres was sold by BB Hotel to the adjoining golf club and closing occurred on July 16, 2014.

7. The reuse of the former Belleview Biltmore Hotel has been considered by BB Hotel LLC. As stated above the BBP Option was entered into with BPP which stated an intention of restoring and operating the former Belleview Biltmore Hotel. BPP could not secure investment capital or financing and could not make minimal option payments. BB Hotel, LLC also

considered possible reuse as an Adult Living Facility but the Town Commission indicated that this use should not be considered. No serious interest by a capable purchaser has been expressed as to reuse of the existing structures comprising the former Belleview Biltmore Hotel. No adaptive reuse has been determined to be feasible due to the cost prohibitive expense required to restore the former Belleview Biltmore Hotel and the location which will not generate needed leisure or commercial hotel room demand.

8. Cost estimates or reports obtained within the previous two years relating to the demolition of the Belleview Biltmore Hotel are provided at **Tab 1.3.1.8**.

9. Cost estimates or reports obtained within the previous two years relating to the rehabilitation or restoration of the Belleview Biltmore Hotel are provided at **Tab 1.3.1.9**.

10. Reports obtained within the previous two years relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the Belleview Biltmore Hotel are provided at **Tab 1.3.1.10**.

11. All reports obtained within the previous two years relating to the economic feasibility of restoring or rehabilitating the Belleview Biltmore Hotel, including market studies, are provided at **Tab 1.3.1.11**. The Report by Stonecreek Partners, commissioned by City and funded by BB Hotel LLC, is on record at the City and not included in this submittal.

12. At the time the Hotel Property was acquired, the former Belleview Biltmore Hotel was not operational and the improvements were in serious disrepair. Financial records from the former owner confirm that the former Belleview Biltmore Hotel was closed due to substantial operating losses. The repair and renovation costs are so substantial that no owner would conduct piecemeal repairs without a viable plan to reopen and produce income meeting reasonable investment expectations. Since acquisition, no income has been received by BB Hotel, LLC from the Hotel Property and the costs incurred and paid by BB Hotel, LLC have exceeded $1,500,000. The Hotel Property improvements are commercial income generating improvements however BB Hotel, LLC has been unable to achieve any financial return. If the Hotel Property improvements cannot be demolished, the Hotel Property will not be capable of any beneficial use as the Hotel Property improvements physically occupy the entire property. The improvements will continue to deteriorate and be a blight on the community.

Signature on following page.

Name: Daniel Ades
BB Hotel LLC

STATE OF FLORIDA
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me this 16th day of July, 2014, by Daniel Ades. He is personally known to me ✓ or has produced _____ as identification.

NOTARY PUBLIC

KATHERINE HANDLEY
MY COMMISSION # EE076718
EXPIRES March 23, 2015
(407) 398-0153 FloridaNotaryService.com

Print Name: Katherine Handley

My Commission Expires: 3/23/15

SECTION 1.3 - SPECIAL CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION

CLAIM FOR ECONOMIC HARDSHIP

A. Claim for Economic Hardship – Town Code Section 74-332(g)

Section 1.2 of this Application addresses the provisions of Town Code Section 74-332(f) and the review process and general criteria for a Special Certificate of Appropriateness ("SCA") for demolition of a designated structure. Additionally, in certain circumstances, the Town of Belleair Code empowers the Town Commission to "**vary or modify**" the requirements of SCA criteria set forth in Section 74-332 and approve a SCA for demolition based on a proven "economic hardship" which would result in either (a) a "taking of property without just compensation", or (b) "for properties producing income at the time of the application for a certificate of appropriateness, failure to achieve a reasonable economic return to the applicant". Specifically, Town Code Section 74-332(g) provides that:

> "(g) *Economic hardship.* Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of this section would result in serious undue economic hardship that would amount to a taking of property without just compensation or, for properties producing income at the time of the application for a certificate of appropriateness, failure to achieve a reasonable economic return to the applicant, the town commission shall have the power to vary or modify adherence to this section; provided, always, that its requirements ensure harmony with the general purposes hereof and will not adversely affect the town."

As addressed in Section 1.2 of this Application, Applicants assert that they have fully met the Code requirements set forth in Section 74-332(f) to support approval of a SCA for demolition. Additionally, Applicants assert that denial of an SCA for demolition "would result in serious undue economic hardship that would amount to a taking of property without just compensation" and/or "failure to achieve a reasonable economic return to the applicant". Applicants ask that Town also determine that Applicants have met their burden of proof that denial of a SCA for demolition will result in economic hardship to Applicants and that pursuant to Section 74-332(f) that the Town approve immediate issuance of the SCA for demolition.

B. Information required for Economic Hardship Claim – Town Code Section 74-332 (g)

Based on criteria set forth in Section 74-332(g), Applicants request the Town Commission find that strict enforcement of Section 74-332 would result in serious undue economic hardship that would amount to a taking of property without just compensation, and that the Town Commission vary or modify application of the Code as necessary to approve the SCA for demolition. To support such a request or claim, Section 74-332(g)(1) requires that

> "In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the town commission at least 30 days prior to the public hearing…", eleven (11) different documents providing information regarding the property.

Attached at Tab 1.3.1 is the Affidavit of the property owner, BB Hotel LLC, Raphael Ades, Managing Partner ("Affidavit"), which Affidavit and supporting documents provide the required information set forth in Section 74-332(g)(1). The Tab numbers of the following documents correspond to the Code section number of each of the following eleven (11) documents required for the Economic Hardship affidavit:

1. The amount paid for the property, the date of purchase and the party from whom purchased (Tab 1.3.1.1);
2. The assessed value of the land and improvements thereon according to the two most recent assessments (Tab 1.3.1.2);
3. Real estate taxes for the previous two years (Tab 1.3.1.3);
4. Annual debt service, if any, for the previous two years (as noted in Tab 1.3.1.4 there has been no annual debt service);
5. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property (Tab 1.3.1.5);
6. Any listing of the property for sale or rent, price asked and offers received, if any (Tab 1.3.1.6);
7. Any consideration by the owner as to profitable adaptive uses for the property (Tab 1.3.1.7);
8. All cost estimates or reports relating to the demolition of the property obtained within the previous two years (Tab 1.3.1.8);
9. All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two years (Tab 1.3.1.9);
10. All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous two years (Tab 1.3.1.10); and

11. All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous two years, including market studies (Tab 1.3.1.11).

The following sections also briefly summarize the attached Affidavit and supporting documents and address how denial of the SCA for demolition would result in a serious undue economic hardship which would amount to a taking of property without just compensation and/or deprive Applicants of a reasonable economic return.

C. Background regarding BB Hotel's Efforts to Support Restoration

Given the current dilapidated physical condition of the Hotel and the fact that the Hotel structures and infrastructure occupy substantially all of the land area comprising the Property, Applicants could not proceed with any economic use of the Property without first either (i) restoring the Hotel or (ii) demolishing the Hotel. With regard to restoration, it is appropriate at this point to provide some perspective on the past four-year period when such restoration was considered. The current property-owner, BB Hotel LLC, acquired the Property in December 2010 as a result of the previous owner's default on its mortgage.

The previous owners were unable to overcome the investment risks and site limitations in order to successfully finance restoration of the Hotel. Upon its acquisition of the Property, BB Hotel committed to work cooperatively with the Town and private parties to pursue restoration. Among these efforts, BB Hotel provided funding support ($56,000) for the feasibility study commissioned by the Town ("**Stonecreek Partners Report**"), which examined various land use options, including the feasibility of restoring the Hotel, adaptive reuse as an adult living facility and options for demolition to allow for new construction. The Stonecreek Partner's Report was criticized by the Town for many shortcomings; however, it recognized that the site was poorly situated for hotel use.

BB Hotel LLC met with many hotel management firms and developers during the past four years to pursue proposals for restoring the Hotel. Applicants consistently heard the same basic response — ***that the site is not even suitable for a new hotel, why would we consider the additional high costs and risks required for restoring the existing hotel?***

In March 2012 a contract with Belleview Biltmore Partners ("BBP") was executed for the purchase of the Hotel, the Pelican Golf Course and the Cabana Beach site. BBP's efforts were spearheaded by Richard Heisenbottle. BBP determined that the best scenario to maximize opportunity for restoration of the Hotel would be to include the two additional properties in an effort to overcome the Hotel site limitations. BBP's proposed development included a 38-unit boutique hotel at the Cabana site to provide Hotel guests access to a facility at the beach. BBP's proposed development also would provide Hotel guests access to golf at the Pelican Golf Course. BBP was unable to obtain financing for preservation and restoration of the Hotel and failed to make payments on the option contract. BB Hotel even provided a contract extension at no cost

(which was not required under the contract), but BBP was still unable to obtain financing for its restoration plan. It should be emphasized, that unlike the former owners who defaulted due to the inability to finance the restoration and maintain the carrying costs on a substantial loan, BBP was only required by the contract to make minimal option payments, and yet BBP was still unable to honor the contractual commitments. **The failed efforts of the former owner and BBP to obtain financing for restoration plans clearly demonstrate that preservation and restoration is not financially achievable.**

D. Financial Feasibility Analysis for Rehabilitation or Restoration

1. Costs of Rehabilitation or Restoration under Various Scenarios

In 2014, the Applicants obtained cost estimates for the restoration of the Hotel from three (3) different general contractors, Biltmore Construction Company, Hunt Construction Group and Skanska. Note that the cost estimates include "hard costs" only and do not include soft costs, furniture, fixtures and equipment ("FF&E"), or preopening and working capital costs. The cost estimates do not include the costs of renovating the Cottages due to the determination that this was immaterial to the feasibility analysis (See letter from Biltmore Construction at Tab 1.3.1.9.A.

The Hunt and Skanska cost estimates include a larger scope of work than the Biltmore Construction Company's cost estimate. Based upon the previous contract purchaser, BBP's, plans for restoration, the Hunt and Skanska estimates included Hotel restoration with expansions (East wing addition) and supporting upgrades to the Cabana Beach Club property and the Pelican Golf Course. As stated previously, inclusion of the Cabana Beach Club property and Pelican Golf Course were deemed necessary by BBP in order to overcome the Hotel site limitations and lack of on-site amenities.

The Biltmore Construction Company's cost estimate does not include the upgrades to the Cabana Beach Club nor the Pelican Golf Course since these properties have now been sold. The Biltmore Construction Company's estimate is based upon renovation of the Hotel as a 260 room hotel renovated to the quality of a 4 star hotel, renovation of the spa, and construction of a 600 car underground parking facility, new pool and other recreational amenities. (See "Belleview Biltmore Hotel Renovation Analysis" dated June 4, 2014, and included as part of the Biltmore Construction Company's cost estimate at Tab 1.3.1.9.A.) In an effort to compare similar scopes of work, Applicants have utilized components of the Hunt and Skanska estimates, and the three hard cost estimates (rounded to the nearest million) for similar scopes of work are presented as follows:

Biltmore Construction Company - $159,000,000
Hunt Construction Group - $141,000,000
Skanska - $161,000,000

All three estimates are set forth at Tab 1.3.1.9.A. – C, respectively.

2. HVS Report

The Affidavit and supporting documents demonstrate that demolition and redevelopment is the only viable option to achieve an economically beneficial use of the Property. As part of the documents supporting the Affidavit, Applicants have submitted a feasibility report dated July 1, 2014 prepared by Hotel Valuation Services, ("**HVS**"). The HVS report was requested for the purpose of evaluating the current financial feasibility of restoring the Hotel. (See HVS Report at Tab 1.3.1.11) HVS is a renowned consulting firm in the hospitality industry, very well respected and highly experienced in conducting market and feasibility analyses, and is also very knowledgeable as to the lodging market in Pinellas County.

The HVS Report evaluated feasibility based upon a restoration scenario of a 260 room hotel renovated to the quality of a 4 Star hotel, 24,000 square feet of meeting space, a 13,000 square feet spa, on-site recreational amenities, and a 600 car underground parking facility. The HVS Report evaluated the three construction cost estimates and derived an "apples-to-apples" average construction cost estimate for restoring the Hotel of $ 153,666,667. HVS also reviewed its 2013/2014 Hotel Development Cost Survey and determined that soft costs, FF&E, preopening and working capital expenses for the restoration would be $45,864,000 for total restoration and other opening costs of **$199,530,667**.

The HVS Report evaluates the hospitality market in three distinct segments: tourists, business and convention. The findings calculate the Hotel's potential market share within each of these segments based on its location, site attributes, potential amenities, etc., as compared to competing hotels within each market. To oversimplify the results, the Report confirms that the Hotel will compete poorly within the tourist segment due to:

- its inland, non-beachfront location and lack of water views;
- limited on-site amenities; and
- lack of nearby attractions and destinations for tourists

The HVS Report confirms that restoration of the Belleview Biltmore Hotel is not financially feasible. The HVS Report projects that the unleveraged internal rate of return would be a **negative 6.76%**, and leveraged internal rate of return (return to equity) would be a **negative 10.01%** which is well below the current range of positive 11-14% necessary to potentially attract investment and secure financing. Quoting from the HVS Report "**the projected internal rates of return (IRR) would be judged unacceptable by every measure**". The HVS Report confirms that even under this carefully considered and realistic restoration scenario, it would not be possible to attract investment capital and finance restoration of the Hotel due to its projected poor financial performance and excessive cost.

The results of the HVS Report are consistent with the actual experience. Since 2010, BB Hotel has been repeatedly advised by prospective hoteliers and management firms that the site's poor location (i.e., not on the beach or within a business center) and limited amenities combined with the excessive restoration costs, results in a high risk proposition that the market simply will not accept.

As stated in the Affidavit of Mr. Ades, the former owner ceased operation of the Hotel due to operating losses. Since its acquisition in 2010, BB Hotel has incurred substantial financial losses.. Since there is no realistic prospect for reopening the existing Hotel and the Hotel physically occupies the entire Property, any requirement by the Town that it be preserved would constitute a serious economic hardship constituting a taking without compensation and would deprive BB Hotel of any reasonable economic return from the Property.

3. Stonecreek Partners Market Study and Town Manager's Report

The Town Commission previously commissioned a market study by Stonecreek Partners in 2011, which BB Hotel funded at a cost of $55,000 ("Stonecreek Report"). The Stonecreek Report is not included among the exhibits, given that the Town already possesses the report. The Town and BB Hotel were generally dissatisfied by the Stonecreek Report for a variety of reasons. BB Hotel determined the report to be of limited value primarily because it failed to adequately evaluate the regional market, and instead referred to historic restoration projects throughout the world with inadequate documentation to understand whether the financial return to the property owner was acceptable or not. Similarly, the Stonecreek Report also lacks documentation to substantiate critical assumptions, such as occupancy rates and room rates. However, notwithstanding its significant limitations, the Stonecreek Report recognizes two critical factors that significantly impact the financial feasibility of restoring the Hotel:

1) The Hotel will have limited draw for tourists based on its non-beachfront location;
2) The Hotel lacks convenient amenities, including a resort golf course.

The Stonecreek Report relies on the assumption that an arrangement could be worked out so that Hotel guests could play resort rounds at the Belleair Country Club course. This is a major flaw in the report. The financial feasibility analysis for the restoration of the Hotel cannot rely on the status of properties beyond the control of the applicant, nor would any financial institution allow such reliance for the purpose of financing the project.

Finally, Applicants have also reviewed the Town Manager's report titled, *The Belleview Biltmore: The Hotel and Its Impact on the Town of Belleair,* dated July 6, 2012 ("**Town Manager's Report**"), which evaluates the potential fiscal impacts of a restored hotel, an alternative townhouse development and the current condition. The Town Manager's Report clearly demonstrates the positive fiscal impact of redeveloping the site for residential use. We believe that this Application and supporting documents, especially the HVS Report, combined with the Town's findings regarding the fiscal benefits of redevelopment, clearly support a decision to approve the SCA Application based upon an undue Economic Hardship.

E. Balancing Economic Hardship and the Public Interest

As previously mentioned, the Town Commission must consider whether the public interest will be served by approving or denying the SCA Application for demolition. While Applicants acknowledge that the Comprehensive Plan and Town Code recognize historic preservation as a significant public interest, **the purpose in evaluating an SCA Application for demolition is to consider whether the general public interest is served by approving demolition of a structure**. The public interest must be determined based on competent evidence submitted as to the particular situation. Denial of this SCA Application will not alter the fundamental physical, structural and economic conditions that realistically preclude the restoration of the Hotel or the fact that the Hotel physically occupies the entire Property and denial of the SCA Application will preclude any beneficial use. The public interest will not be advanced by denial of the SCA Application because in no event will the Hotel be restored due to the prohibitive cost and total lack of economic feasibility.

The positive fiscal advantages to the Town in considering an alternative use should be considered in weighing the public interest. The Town Manager's Report evaluates the potential fiscal impacts of a restored hotel, an alternative residential development and the current condition. If the SCA Application was denied without economic hardship relief granted pursuant to Section 74-332(g), the Hotel would remain closed due to the inability to finance the restoration of the Hotel. The Property would be deprived of any reasonable beneficial use, resulting in a taking without compensation and/or failure to achieve a reasonable economic return. This outcome would not be in the public interest and would result in significant, negative fiscal impacts to the Town.

If the SCA Application is approved and/or Applicants are otherwise provided relief pursuant to Section 74-332(g) to allow for demolition of the Hotel, the Town would significantly benefit from a fiscal perspective. Applicants have definitive plans to develop a planned mixed use project on the Property and in conjunction with this application have submitted applications for a rezoning, development agreement and preliminary development plan. Significant planning has occurred during the past year to develop the alternative use strategy. The companion rezoning application will further refine the development proposal in terms of the specific number of units and design; however, Applicants concur with the basic fiscal estimates for Scenario 3, Townhomes, as set forth in the Town Manager's Report. Applicants assert that the public interest in historic preservation would be served by approving the SCA Application for demolition so that the Town can benefit from substantial additional ad valorem and other revenues which are projected to result from redevelopment and from the proposed development of the Inn as the significant historic preservation component of the redevelopment.

F. Conclusion – Economic Hardship Amounting to Taking of Property Without Just Compensation and/or Failure to Achieve a Reasonable Economic Return to the Applicant

In conclusion, Applicants assert that the required Affidavit and supporting documentation clearly establish that: (i) given the Hotel physically occupies the entire Property, no economic

use of the Property could proceed without first either restoring the Hotel or demolishing the Hotel and redeveloping the Property; and (ii) restoration of the Hotel is not financially feasible because it cannot achieve a financial return that would support investment and financing. Authorizing demolition is the only action which will allow any beneficial use of the Property or reasonable economic return to the owner. Based on these conclusions and findings, Applicants believe that the Town Commission must find that denial of the SCA Application for Demolition would result in (i) a serious undue economic hardship amounting to a taking of property without just compensation, and/or (ii) failure to achieve a reasonable economic return to the Applicant.

Attachment No. 5

PCE

September 22, 2014

Town of Belleair, Florida
Micah Maxwell, Town Manager
901 Ponce de Leon Blvd.
Belleair, FL 33576

RE: Town of Belleair analysis review

Dear Mr. Maxwell:

This letter will serve as a Preliminary Report of our analysis and findings related to our review of the appropriateness and application of the methodology applied in the determination of the economic feasibility of restoring the Belleview Biltmore Hotel.

A Preliminary Report, in this case, is a report based upon the information and procedures performed by us as of the date of the correspondence. If we were to prepare our comprehensive report as of today's date, the opinion expressed therein would be the same as that which is expressed in this preliminary report. However, in the event that additional information or different information is presented to us before our final report is issued, then our opinion may differ from the opinion reported herein, and the difference may be material.

Based upon our preliminary review, and assuming the underlying data is correct and complete, we believe that the methodology employed in the economic feasibility analysis performed by HVS is appropriate for the analysis. In addition, we believe that the methodology is correctly applied in the analysis. Therefore, we believe that the conclusions reached by HVS are credible and are very likely to be consistent with the conclusion that would be reached by any similar expert properly performing the same analysis.

We will be issuing a more detailed report that specifically addresses the methodology employed, the appropriateness of the methodology, and the accuracy of its application.

Please feel free to contact me if you have any questions.

Best regards,

Robert H. Buchanan, J.D., ASA, CFP®

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Juris Doctor; May, 1998
Robert R. Kane Scholar 1995-98

University of Central Florida, Orlando, Florida
B.S.B.A., 1995; Finance

Employment:

Shareholder, **PCE Valuations, LLC,** 2002- Present

Business Valuation Consultant / Sr. Analyst, **Business Valuation Services**, 1998-2001

Research Associate, **Washington & Lee University School of Law,** 1997

Investigator, **U.S. Senate Banking Committee; Special Committee to Investigate Whitewater Development Corporation and Related Matters**, 1996

Operations Manager, **Multi-location Independent Pharmacy**, 1984-1989, 1991-1992

Mgmt. Training Program / LPO Manager **Florida Federal Savings Bank**, 1989-1991

Business Valuation Related Experience:

- Accredited Senior Appraiser (Business Valuation) and member in the American Society of Appraisers
- Multidisciplinary Advanced Education in Healthcare Valuation Program- ASA Certificate Program
- Fairness Opinions / Solvency Opinions
- Litigation support / expert testimony

Other:

CERTIFIED FINANCIAL PLANNER ™
FINRA Series 79- Investment Banking
Board of Directors, Florida Episcopal Federal Credit Union, Treasurer
Board of Directors, Families with Children from Asia, Central Florida, Treasurer

Publications:

Fairness Opinions in Today's Legal and Economic Environments: A BVR Special Report, Business Valuation Resources, LLC, Portland, OR, April 2012, contributing author.

"ESOP Valuation- Smoothing versus Volatility", Business Valuation Update, Volume 19, No. 9, September 2010.

Monthly Newsletter "All About Value", various valuation-related topics.

Expert Testimony:

Accepted as an expert on valuation issues by The United States Tax Court and Florida State Courts.

Speeches/ Lectures:

"Liquidity Events in 2012: What Deals Can Still be Executed by Year-end?", Florida Bar Business Section Annual Meeting, September 2012.

"Wealth Succession Planning: Exploring the Options from a Valuation Perspective", Florida Institute of Certified Public Accountants, Estate and Financial Planning Conference, December 2011.

"Avoiding Conclusions from Left Field", The ESOP Association, New South Chapter, October 2010

"Planning Opportunities with ESOPs", The Florida Bar Tax Section, 2009.

"The Dual Track Approach to Selling Your Business", Central Florida T.E.C. annual regional meeting, 2009.

"The Diagnostic Valuation: How to use Valuation to Better manage Your Company", Financial Planners' Association of Central Florida, 2009.

"What Drives the Value of Your Business?" Central Florida T.E.C. annual regional meeting, 2008.

"The Dual Track Approach to Selling Your Business", Financial Planners' Association of Central Florida, 2008.

"Fairness Opinions: Implementing Rule 2290", Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, 2007.

"Fairness Opinions: What to Know", Florida Bar, Business Section Annual Retreat, 2007.

"Valuation 101: What, When, Why & How", Financial Planners' Association of Central Florida, 2006.

"Institute for Pharmacy Entrepreneurship: Valuation, Succession Planning, How to Buy a Business, How to Sell a Business", University of Florida Institute for Pharmacy Entrepreneurs, 2006.

"ESOP Finance and Structure", The ESOP Association, New South Chapter, 2006.

"ESOP Valuation", The ESOP Association, New South Chapter / Gray Robinson, P.A., 2006.

"Fairness Opinions: Past, Present, and Future", Florida Bar, Business Section Annual Retreat, 2005.

"Wealth Succession Planning for Independent Pharmacists", United Drug Annual Members Conference, 2005.

"Institute for Pharmacy Entrepreneurship: Valuation, Succession Planning, How to Buy a Business, How to Sell a Business", University of Florida Institute for Pharmacy Entrepreneurs, 2004.

"Valuation of Privately Held Businesses: Independent Pharmacy", Florida Pharmacy Association, 2004.

"Valuation as a Management Tool", Merrill Lynch Merger & Acquisition Symposium, 2003.

"ESOP Valuation: Understanding the Standard", Merrill Lynch ESOP Seminar, 2003

"Valuation and Wealth Succession Planning for Independent Pharmacists", University of Florida College of Pharmacy National Advisory Board Meeting, 2003

"ESOP Valuation", Akerman Senterfitt ESOP Seminar, 2002

"Issues in Valuation: An Overview", Indian River County Estate Planning Council, 2002

"Valuation of Privately Held Entities for Wealth Succession Planning", A. G. Edwards Private Wealth Advisors Seminar, 2002.

"Valuation for FASB 142 Compliance- Goodwill Impairment", KPMG Continuing Education Credits Seminar, 2002.