BELLEAIR Planning and Zoning BOARD
NOTICE

TO: Bonnie-Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Al Acken
Rogers Haydon
Jim Millspaugh
Peter Marich
Randy Ware

Kevin Piccarreto, Acting Commission Advisor
Micah Maxwell, Town Manager
David Ottinger, Town Attorney

There will be a meeting of the **Belleair Planning and Zoning Board meeting on MONDAY, October 6, 2014 at 5:30 p.m**

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. Preliminary Site Plan Review - Belleview Biltmore Hotel Site

   Documents: PRELIMINARY SITE PLAN PLANNING AND ZONING.DOCX, BELLEVIEW BILTMORE APPLICATION FOR REZONING ET AL.PDF, ATTACHMENT 1 - MASTER PLAN.PDF, ATTACHMENT 2 - PMU ZONING COMPLIANCE.PDF, ATTACHMENT 3.PDF

2. Consideration of Zoning Change - Belleview Biltmore Hotel Site

   Documents: CONSIDERATION OF ZONING CHANGE PLANNING AND ZONING.DOCX, BELLEVIEW BILTMORE APPLICATION FOR REZONING ET AL.PDF, ATTACHMENT 1 - MASTER PLAN.PDF, ATTACHMENT 2 - PMU ZONING COMPLIANCE.PDF, ATTACHMENT 3.PDF

3. Development Agreement - Belleview Biltmore Hotel Site

   Documents: DEVELOPMENT AGREEMENT PLANNING AND ZONING.DOCX, BELLEVIEW BILTMORE APPLICATION FOR REZONING ET AL.PDF, ATTACHMENT 1 - MASTER PLAN.PDF, ATTACHMENT 2 - PMU ZONING COMPLIANCE.PDF, ATTACHMENT 3.PDF

4. Adjournment

** To be distributed.
* Previously distributed.

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

Summary

To: Planning and Zoning Board
From: Micah Maxwell
Date: 10/6/2014

Subject:

Consideration of Preliminary Site Plan for the Belleview Biltmore Hotel site.

Summary:
The owner of the Belleview Biltmore Hotel has made an application for Preliminary Site Plan through a proxy (JMC Communities)

Previous Commission Action: None

Background/Problem Discussion: See staff report pages 8-12.

Financial Implications: N/A

Recommendation:
See staff report

Proposed Motion
1**.** I move that the Planning and Zoning Board recommend to the Town Commission approval/denial of the Preliminary Site Plan for the Belleview Biltmore Hotel site.

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

Town of Belleair Staff Report

Prepared For: Belleair Planning and Zoning Board
And
Belleair Town Commission

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

Date: September 30, 2014

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

Town of Belleair Staff Report

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

Belleair Planning and Zoning Board
Bonnie-Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Allen Acken, Member
Rogers Hayden, Member
Peter Marich, Member
James Millspaugh, Member
Randy Ware, Member

Stephen Fowler, Commissioner Advisor

Micah Maxwell, ICMA - CM
Town Manager

David Ottinger, Esq.
Town Attorney

BELLEVIEW BILTMORE HOTEL
APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

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INTRODUCTION

Background

This staff report identifies and examines a series of applications filed on behalf of JMC Communities, Inc., the contract purchaser for the Belleview Biltmore Hotel property owned by BB Hotel, LLC., by their representative, E. D. Armstrong, Esq.

The applications, filed in concert with the application for Special Certificate of Appropriateness for Demolition of the Hotel, include a request for a zoning map amendment, and corresponding approval of a master plan, preliminary development plan and development agreement.

The Applications

An overview of each application is outlined below.

Zoning Map Amendment - The application for amendment of the Zoning Map proposes to amend the current Hotel (H) district that applies to the 17.7 acre hotel property to Planned Mixed Use (PMU).

The Planned Mixed Use district allows for temporary lodging and uses accessory thereto, as well as residential use when done in conjunction with temporary lodging use. The PMU district requires an accompanying development plan as a function of the planned development process that identifies specifically what is proposed to be built on the site.

Master Plan - The Land Development Code, Sec. 66-172 (e), requires that a major site development plan that is proposed to be developed in phases provide a "Master Plan" to be considered with the initial preliminary development plan. The proposed project is considered a major development based on several factors, including the size of the property, the request for rezoning, and the number of residential dwelling units.

Preliminary Development Plan - The process and requirements for a preliminary development plan submitted in conjunction with a request for zoning amendment is set forth in Sec. 66-164 (b) of the Code. The application proposes to develop the site with a combination of 104 multi-family residential units in four buildings, 28 attached townhouse units, and a 33 room Inn providing temporary lodging units and related guest services.

While the Master Plan is proposed to be developed in phases, the submission includes a preliminary development plan that addresses all eight identified phases of the project.

Development Agreement - The applicants have submitted and propose to execute a Development Agreement pursuant to the Florida Local Government Agreement Act, Sec. 163-3220 - 163.3243, F.S.

The purpose of the Development Agreement is to memorialize and establish a commitment to the specific development details and respective responsibilities of the applicant and the Town.

Summary - Each of these separate components of the application are examined in detail in the following sections of this report.

ZONING MAP AMENDMENT

The application for amendment of the zoning map from Hotel (H) to Planned Mixed Use (PMU) is governed by several sections of the Town Land Development Code, including Sec. 66-311 through 66-318 and Sec. 74-62, zoning amendments generally; Sec. 66-164 (b), review of preliminary development plans that include amendment of the zoning map; and Sec. 66-10 and Sec. 74-82, 84, 85, 86 and 112,as amended by Ordinance No. 497, relating to the zoning district standards for the PMU district specifically.

As noted above, because the application for rezoning to PMU is for a planned development district, the master plan and preliminary development plan are component parts of the rezoning application and are inextricably connected. Thus review and action on the rezoning request includes two major components as follows:

1. The overall criteria for rezoning as set forth in the Code for any rezoning request , and in this case, one accompanied by a preliminary development plan; and

2. The specific evaluation of the site development plan in relationship to the purpose and standards of the PMU district.

The first of these two components is examined below; the second is addressed under the section of this report dealing with the Master Plan and Preliminary Development Plan.

Criteria for Zoning Map Amendments

The process for considering an amendment to the Town Zoning Map includes the requirement for legislative hearing and recommendation by the Planning and Zoning Board to the Town Commission, hearing and recommendation by the Local Planning Agency, and legislative hearing and action by the Town Commission.

The factors identified in Sec. 66-316 of the Code to be considered include consistency with the Comprehensive Plan and applicable provisions of the Code, other factual or policy considerations applicable to the request, and written comments from the Town Manager.

Consistency With the Comprehensive Plan - The application includes a detailed enumeration and assessment of the provisions in the Comprehensive Plan that bear on the application. See pp. 2-17 of the "Rezoning Application, Compliance Submittal, August 20, 2014." The relevant Goals, Objectives and Policies of the Comprehensive Plan that are cited include the following:

1. **<u>Future Land Use Element:</u>**

- Goal 1, Objective 1.1, Policies 1.1.2, 1.1.4, and 1.1.5
  Objective 1.3, Policies 1.3.1, 1.3.3, 1.3.4. and 1.3.7

  The application responds to these provisions by noting the proposed zoning district is consistent with the current Commercial General Future Land Use Plan category, the Countywide Rules for both temporary lodging and residential use and density, and the adjoining residential and recreational area. It further asserts that its consistency with the specific goal of supporting the preservation of the Belleview Biltmore Hotel is being addressed through the parallel consideration of the Special Certificate of Appropriateness and will be further addressed through the Historic Recognition Component of the PMU zoning district.

2. **<u>Transportation Element:</u>**

- Goal, Objective 1.1, Policies 1.1.1, and 1.1.2, and
  Objective 1.3, Policy 1.3.1

  The application responds to these transportation and mobility provisions of the Comprehensive Plan by noting that it comports with the adopted levels of service standards for the Town - the only exception being the LOS on Ft. Harrison Ave. where the projected impact is deminimus. The application further asserts there will be a reduction in the projected traffic volume for the proposed project based on numbers attributed to the previous hotel use. It also addresses access, parking, circulation and pedestrian design features of the Preliminary Development Plan in support of its consistency with the objectives of the Comprehensive Plan.

3. **<u>Infrastructure Element:</u>**

- Goal 1, Objective 1.1, Policy 1.1.1
- Goal 2, Objective 2.1, Policy 2.1.2
- Goal 3, Objective 3.1, Policies 3.1.1, 3.1.2, 3.1.3, and 3.1.4

  The application responds to the Comprehensive Plan provisions for addressing water, sewer, solid waste and stormwater impacts by projecting the demands of the proposed project in relationship to existing capacity. It asserts that the Town's water system has adequate capacity, and that sanitary sewer service is provided by Pinellas County who indicates it has sufficient capacity at the Southcross Bayou Wastewater Treatment Plant to serve the project. Solid waste is disposed of at the County solid waste plant and landfill and Pinellas County has confirmed it has the capacity to serve the project. Stormwater management has been reviewed by the Town's consultant, determined to meet the Town's requirements based on the Preliminary Development Plan and will be subject to SWFWMD permitting and approval of final construction plans.

4. **Recreation and Open Space Element:**

- Goal, Objective 1.1, Policy 1.1.1
  The application documents the current recreation/open space acreage in relationship to the Comprehensive Plan standard of 5 acres per 1,000 persons, and indicates that the additional acreage requirements based on the estimated population of the proposed project will continue to be consistent with the Town's level of service standard.

5. **Capital Improvement Element:**

- Goal, Objective 1.5, Policies 1.5.1, 1.5.2, 1.5.4, 1.5.7 and 1.5.8
  The application evaluates the projected impact of the proposed development plan in relationship to the concurrency management standards of the Comprehensive Plan for sanitary sewer, solid waste, drainage, potable water, recreation and open space, and public schools. It concludes that "no new facilities or expansions to existing facilities are required as a result of the proposed rezoning"; and that "the adopted LOS for all public utilities and services will continue to be met by the project and all public facilities and services will be available concurrent with the development of the proposed rezoning site."

Compliance With the Land Development Code - The application indicates the request for rezoning will comply with the applicable provisions of the Code, including those sections of Chapter 74 dealing with Development Design and Improvement Standards (Article III), Accessory Structures and Uses (Article IV), Overlay and Floating Zones including Historic Preservation (Article V), Resource Protection Standards (Article VI) and Signs (Article IX).

A principal requirement for compliance with the Code is the manner in which the Preliminary Development Plan relates to the specific standards of the PMU zoning district. These requirements will be enumerated and evaluated in the section of this report dealing with the Preliminary Development Plan.

Additional Considerations Applicable to the Application - In addition to the criteria noted above, because this amendment is a planned development district that is based on an accompanying preliminary development plan, the provisions of Sec. 66-164 (b) also apply and have been addressed in the application on pp. 23-26 and attachments 4-1 through 4-6.

This information details the proposed nature of the project, its land use composition and density, the relationship to and compatibility with surrounding uses, the basis on which the concurrency management provisions of the Code are met, and the manner in which the proposed zoning district recognizes the existing development pattern, natural features, and infrastructure.

Summary

The application has addressed and responded to the required criteria related to consistency with the Comprehensive Plan, conformity with the Land Development Code, and the particulars of the proposed development in relationship to the site, adjoining uses and interests, and the

ability to maintain the Town's concurrency management standards for the enumerated infrastructure facilities.

The information and analysis presented in the application is complete, relevant, and provides reasonable documentation that the request for rezoning from the Hotel (H) district to the Planned Mixed Use (PMU) district is consistent with and meets the Town Plan and Code requirements for the requested zoning map amendment.

MASTER PLAN AND PRELIMINARY DEVELOPMENT PLAN

As described in the previous section, the application for zoning map amendment to Planned Mixed Use (PMU) requires, and shall be considered in part based on the merits of, the accompanying site development plan. This section of the report addresses the Master Plan and Preliminary Development Plan submitted in conjunction with the rezoning request.

Master Plan

The Land Development Code requires a major development, which is proposed to be developed in phases, to submit a Master Plan that illustrates the overall plan for development, as well as the delineation, composition, and schedule of the proposed phases of the project.

The submitted Master Plan describes the design concept, the three main components of which include four mid-rise condominium buildings providing for a total of 104 dwelling units, twenty-eight townhouse units and a thirty-three room Inn - each with a distinctive architectural style. The site includes a central event lawn and swimming pool near the Inn, and pedestrian walkways around the perimeter and interconnecting the internal portions of the site.

The Master Plan (Sheet 2-A) of the application submission package includes the following Phasing Data Information and Master Plan Phasing Schedule.

"Phasing Data Information"

PARCEL NO.	AREA IN ACRES	UNITS	DENSITY UNITS PER ACRE	TYPES	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

"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); the 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.*

The "Phasing and Data Information" does not include the entire acreage of the site, which should be added in order that the average densities of the respective components of the project are accurately reflected.

Secondly, and of greater importance, the "Master Plan Phasing Schedule" proposed by the application as set forth above is unclear and inconsistent - in particular item 2 which lists Phase 2 twice and fails to include Phase 8, or the roadway and stormwater improvement areas, and the potential conflict between the wording of items 2 and 5. Further, it would appear to be inconsistent with the purpose and provisions of the PMU district unless the Inn and temporary lodging use it represents is required to be built in an earlier phase than is provided for.

Additionally, the second sentence of item 4 should be revised to indicate that the phase deadlines shall start upon approval of the final site plan as opposed to the list of individual actions which must precede approval of the final site plan. The reference to the rescission of the existing code enforcement order should be deleted from the phasing schedule.

Preliminary Development Plan

The Preliminary Development Plan is represented by the applicant's multiple, full-size plan sheet submission (Sheets 1 - LA4) identifying the Master Plan, existing conditions, demolition, site, paving, grading and drainage, utilities, tree inventory, signage, lighting and landscape plans and the accompanying narrative on pp. 2-6 of the "Master Plan/Preliminary Development Plan Completeness Submittal, August 20, 2014". As referenced previously, the Preliminary Development Plan addresses all eight phases of the proposed project.

Project Composition - The project consists of the following principal components:

- A thirty-three room Inn at the focal point of the main project entrance, the architectural design of which references the style of the Belleview Biltmore Hotel. The Inn includes an event lawn and swimming pool amenities and provides for the parking associated with the Inn.

  The Inn will include limited accessory uses, including the display of artifacts retrieved from the Belleview Biltmore Hotel in the public areas of the Inn.

  The Inn is proposed to be located on 1.31 acres of the site which yields a density of 25.2 units per acre - below the permitted maximum of 42 per acre allowed under the PMU zoning district. The building will be four stories or approximately 56 feet in height.

- Four condominium buildings with a total of 104 units are proposed to consist of two levels of parking and six living levels, positioned on the perimeter of the loop street that encompasses the site. The buildings are interconnected with an internal walkway system that connects the four buildings, the Inn, and open space between them.

  Each of the four multi-family condominium buildings will include 26 residential units for a total of 104 units, which when combined with the 28 townhouse units on the 16.3687 acres attributable to residential use yields a density of 8.1 units per acre as compared to the maximum of 10 units per acre permitted by the PMU zoning district.

  The height of the four multi-family buildings will be approximately 86 feet, based on the height bonus formula in the PMU district and below the permitted maximum 88 feet.

  The building height bonus for which the project qualifies is computed based on the provisions of Sec. 74-85 (g) that allow for additional height above the standard 32 feet in consideration for additional building setback, provision of structured parking, reduced impervious surface coverage, and limitation on average height of all buildings - with a specific formula for determining how each of the four bonus factors are measured.

- Twenty-eight townhouse units are clustered in the eastern side of the site between the two legs of Belleview Boulevard. Each cluster contains between three and five dwelling units with two-car garages accessed from rear entry drives.

  Both the 104 multi-family units and the 28 townhouse units are proposed to be sold in a condominium form of ownership.

Project-Specific Design Details - In addition to meeting the requirements of the PMU district with respect to the type and density of use, the district requires compliance with a series of specific design details that are summarized in Table 6 of the application document, entitled "Master Plan / Preliminary Development Plan, Completeness Submittal, August 20, 2014", which table is included as Attachment 2 to this report.

This table identifies the preliminary development plans compliance with the specific standards of the PMU district, including minimum parcel size, minimum unit size for each the temporary lodging and dwelling units, setback and separation distance, impervious surface ratio, building height (including the computation of the applicable height bonus) and parking. The proposed measures designed to address the historic recognition component are also identified, but will be more completely explained below.

Staff has reviewed the specific numerical standards applicable to the Preliminary Development Plan as represented in Table 6 in Attachment 2 to this report and determined that they are accurate and in compliance with the provisions of the PMU district.

Other Plan Considerations - The plan that has been submitted includes provisions that address access and circulation, parking, stormwater management, environmentally sensitive lands, and the historic recognition component of the PMU district.

Access and circulation is provided by Belleview Boulevard, a private road with an access easement that provides legal access to the site and to the existing uses to which the easement applies and connects to Belleview Road east of the bridge. Country Club Lane within the site also provides an existing access easement and will be maintained between portions of the townhouse complex.

Sec. 74-155 (1) of the Code requires two access points to a public right-of-way for residential projects in excess of 75 units. The applicants have requested approval of the existing single point of access based on the provisions of the Code [Sec. 74-155 (3)] which allow for "alternative designs" upon approval by the Town Commission in conjunction with the approval of a development plan where the natural features, previous development pattern and provisions for access create a situation in which two access points are physically or legally infeasible.

Parking has been provided for each component of the project in compliance with the parking requirements of the PMU district.

Stormwater management has been designed to be accommodated in three retention ponds identified on the proposed plan, which has been reviewed for preliminary compliance with Town standards, and will require final plans to be processed in accord with Town and SWFWMD requirements.

Sec. 74-411 - 415 of the Code address environmentally sensitive lands. The application indicates that the restricted development zone of off-site features extends into the site and that the project will comply with the standards in Sec. 74-414 for these areas.

The historic recognition component of the PMU zoning district is an important and integral part of determining the sufficiency of the Preliminary Development Plan. The application addresses this issue on pp. 15-16 of the referenced application. The key components of the applicants' response to this requirement are as follows:

- Design of the Inn is proposed to be a style reminiscent of the Hotel by employing "Shingle Style" and "Queen Anne" character defining features, including moderately pitched gable roof with patterned shingles, front and rear porches with spindle

ornamentation, gable dormer windows, multi-pane above single-pane windows and multiple chimneys.

- Re-use of materials from the Hotel in the Inn, including wood flooring, leaded glass windows from the Tiffany Ballroom, specialty interior doors and trim, and bricks to be used in the chimneys and sidewalks.
- Siting of the Inn in a prominent location at the terminus of the newly landscaped entryway to the project and the dedication of public spaces on the first floor, including a pub, ice cream parlor and interpretive center/meeting room to display artifacts and memorabilia from the Hotel.
- Documentation of the Hotel in a manner acceptable to the State Division of Historic Resources (DHR), and a mitigation agreement between DHR and the developer on other provisions for the salvage of historic materials not used in the Inn.

Summary

Based on the application materials submitted in support of the request for approval of the Master Plan and Preliminary Development Plan, staff finds the application to be complete and to address in a sufficient and consistent manner, the applicable standards and requirements of the PMU zoning district; subject, of course, to such additional information as may be gleaned from the public hearing process and the legislative prerogative of the Planning and Zoning Board in formulating their recommendation, and of the Town Commission in determining the appropriate course of action.

DEVELOPMENT AGREEMENT

As referenced previously in the Introduction, the application package submitted on behalf of JMC Communities, Inc. includes a draft Development Agreement prepared consistent with the provisions of State law and pursuant to the Town Code.

The Development Agreement recites the basis for providing for such an agreement, the property to which it applies, the particulars of the project that is proposed to be approved, the process for recording the agreement, its duration, and the respective obligations of the developer and the Town.

The purpose of the Development Agreement is to identify specifically the terms and conditions of the proposed project, provide a process to administer the agreement, and bind both parties to its provisions in order that there be no misunderstanding about what is proposed to be developed.

The form and content of the draft Development Agreement are satisfactory, subject to the incorporation of the final details of the Zoning Map amendment, Master Plan and Preliminary Development Plan as they may be ultimately approved, and such additional stipulations, as may be required, in particular as regards coordination of responsibilities with the adjoining RPD, by the Town Commission.

CONCLUSION AND RECOMMENDATION

Conclusion

Based on the information and substantive documentation submitted in the applications for amendment of the Zoning Map from Hotel (H) to Planned Mixed Use (PMU), and corresponding approval of the Master Plan, Preliminary Development Plan and Development Agreement, the review and analysis of these materials by staff, and subject to such additional pertinent and factual information as may be established in the course of the legislative public hearing process, staff finds as follows:

1. With respect to the application for Zoning Map amendment approval, the application is:

    a. Consistent with the goals, objectives and policies of the Comprehensive Plan;

    b. Compliant with the applicable provisions of the Land Development Code for the PMU district; and

    c. Comports with the related provisions of the Code addressing compatibility with the site, adjoining use and the maintenance of required levels of service standards for concurrency management.

2. With respect to the application for Master Plan approval, the application is:

    a. Consistent with the requirements for a master plan for a major development project - with the exception of the Master Plan Phasing Schedule which should be revised as previously noted under Master Plan on page 9 of this report, in particular to require the construction of the Inn prior to the initiation of Phases 3, 4, 5, and 6, or such other schedule as the Town Commission determines appropriate.

3. With respect to the application for Preliminary Development Plan approval, the application is:

    a. Consistent with the submission requirements for a preliminary development plan;

    b. Consistent with the intent, permitted uses and maximum density of the PMU district;

    c. Consistent with the specific site plan requirements for parcel size, unit size, setback and separation distances, impervious surface coverage, building height and parking as set forth in the PMU district;

    d. Consistent with the other plan requirements for access and circulation, stormwater management, and environmentally sensitive lands - with the exception of the need for approval for an "alternate design" for the single point of access as determined appropriate by the Town Commission pursuant to Sec. 74-155 (3); and

e. Consistent with the historic recognition component requirements of the PMU district - subject to the additional specificity for documentation of the historic significance of the Hotel and the proposed mitigation agreement with the State Division of Historic Resources as determined to be appropriate by the Town Commission.

4. With respect to the application for Development Agreement approval, the application is:

    a. Consistent with the form and content required by State law and the Town Code;

    b. Consistent with the foregoing applications for Zoning Map amendment, Master Plan and Preliminary Development Plan approval - subject to such changes or additions as may be required based on their disposition by the Town Commission, including such provisions as may be required of the applicants project to participate with the adjoining RPD in support of their respective and proportionate responsibilities for shared or common infrastructure.

Recommendation

Based on the above findings, and subject to such additional information as may be established through the public hearing process and the input and revisions determined to be necessary and appropriate based on this legislative process, staff recommends the Planning and Zoning Board recommend, and the Town Commission take action, as follows:

1. Approve the Zoning Map amendment from Hotel (H) to Planned Mixed Use (PMU);
2. Approve the Master Plan, subject to revision of the phasing schedule as suggested above or otherwise determined appropriate by the Town Commission;
3. Approve the Preliminary Development Plan, subject to the noted provisions for approval of a single point of access and agreement with the Division of Historic Resources, as determined appropriate by the Town Commission; and
4. Approve the Development Agreement, as it may be completed and revised to reflect the approved Zoning Map amendment, Master Plan and Preliminary Development Plan, and as suggested above with respect to coordination with the RPD, to the satisfaction of the Town Commission.

ATTACHMENTS

Attachment No. 1	Master Plan, Preliminary Development Plan and Elevations from the Application
Attachment No. 2	Application Table 6 Re: Compliance with the Planned Mixed Use Zoning District
Attachment No. 3	Town Ordinance 497 - Establishing the Planned Mixed Use Zoning District

Attachment No. 1

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.

DATE 2014-51
DR 310
DATE 6-16-2014
DESIGN RAH
DRAWN RAH
CHK PBS
SP RM
06-14-2014 REVISED NOTE 4
REV DATE

DESIGNED FOR JMC COMMUNITIES
PROJECT NAME JMC COMMUNITIES
SHEET NAME MASTER PLAN

FLORIDA DESIGN CONSULTANTS, INC.
— THINK IT. ACHIEVE IT. —
5555 STARKEY BOULEVARD, NEW PORT RICHEY, FLORIDA 34655
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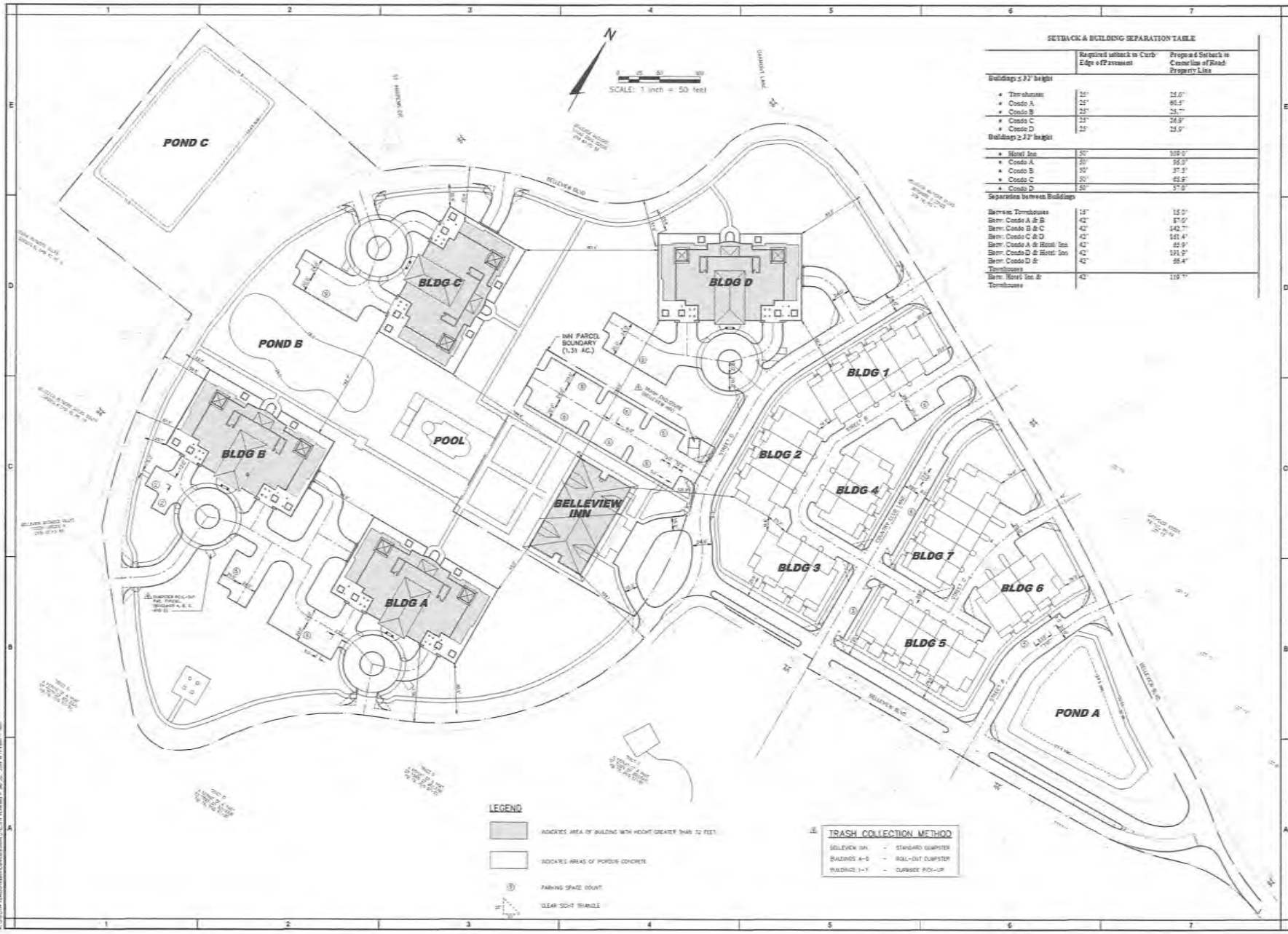

SETBACK & BUILDING SEPARATION TABLE

	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
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11 / 23

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ARCHITECTS

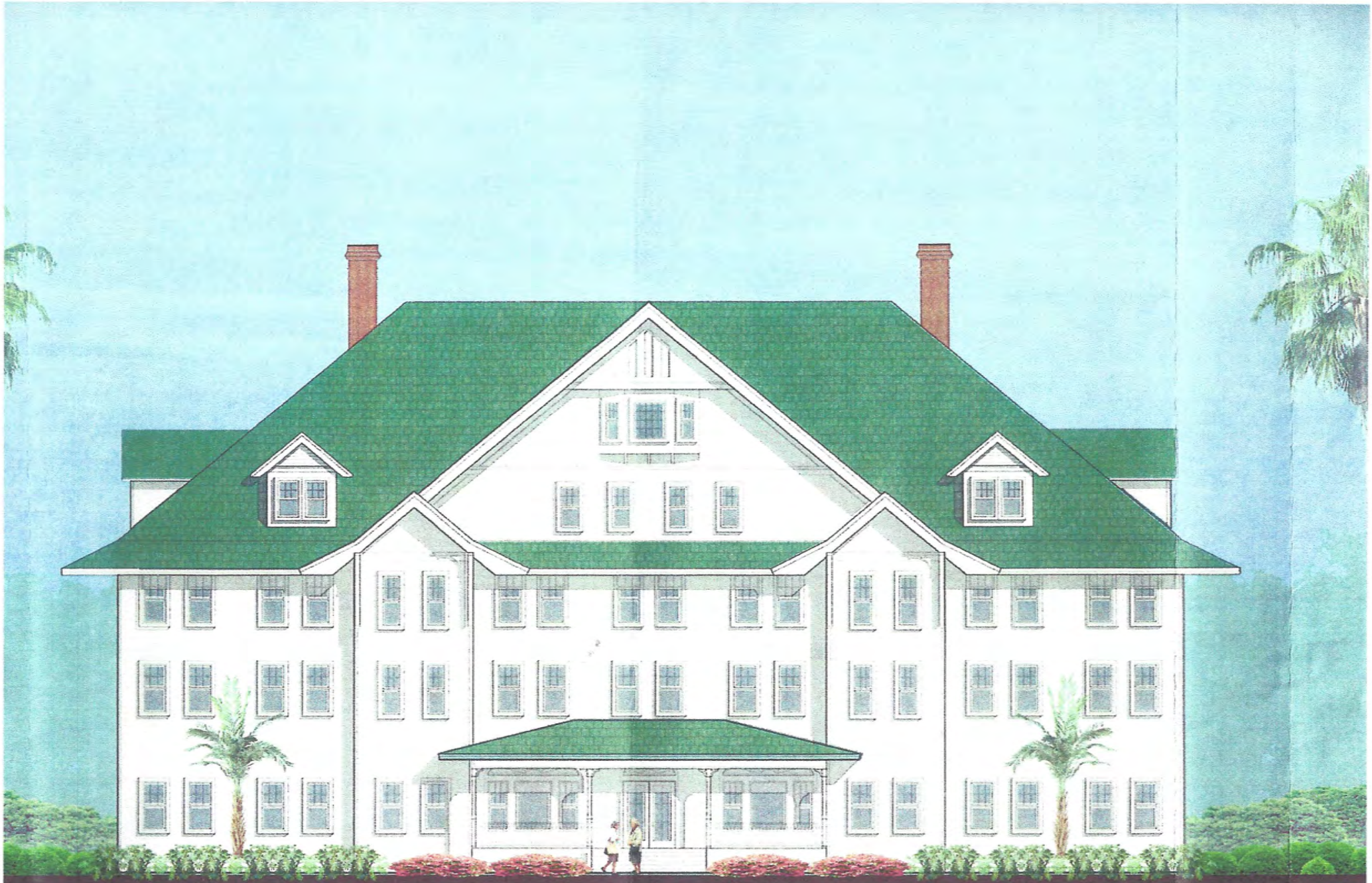
BELLEVIEW

MID-RISE BUILDINGS

Belleview Townhomes

Belleair, Florida

BSB DESIGN



THE BELLEVIEW INN

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COMPLIANCE WITH THE PMU ZONING DISTRICT

On June 17, 2014, The Town of Belleair adopted a new zoning district entitled the Planned Mixed Use (PMU) District which is the zoning district requested in this application. The new PMU district has been incorporated into the Town's *Land Development Code* as Section 74-85 and the project's compliance with the district's provisions is outlined in **Table 6** below.

Table 6
JMC Communities Site's Compliance with PMU District

PMU Requirement	Project's Compliance
74-85(a) Purpose	Project proposes temporary lodging use and multifamily residential with a historic recognition component.
74-85(b) Correlation with Future Land Use Plan: Site must be designated CG on Plan	Site is designated as CG on Plan
74-85(c) Permitted Uses: Hotel/ Inn, Multifamily Residential when project includes Hotel/ Inn, Accessory uses	Proposed Uses: 33 room Inn, 104 midrise Condominiums, 28 Townhouses and Accessory uses
74-85(d) Density/Intensity Hotel/ Inn: 42 units/ acre Multifamily: 10 units/ acre	Project proposes maximum of 33 rooms (25.2 units/ acre) and 132 residential units (8.1 units/ acre)
74-85(e) Minimum District Size: 17.5 acres **Minimum Unit Size**: 300 sf for Hotel/ Inn and 1,500 sf for Multifamily	Proposed PMU district = 17.6787 acres Inn Site = 1.31 acres Residential Site = 16.3687 acres <u>Minimum unit sizes:</u> Inn: 400 sf – 1,327 sf per room Condo: 1,716 sf – 3,298 sf per unit Townhouses: 2,165 sf – 3,245 sf per unit
74-85(f) Setbacks & Separation: Buildings ≤32' height: 25' setback to edge of pavement of perimeter roads	<u>Proposed Setbacks & Separations</u> Townhouses Setbacks: 25' Condominiums Setbacks: • Bldg A: 60.5' • Bldg B: 25.7' • Bldg C: 26.9' • Bldg D: 25.9'

Buildings ≥32' height: 50' setback to centerline or property line Separation between Buildings: ½ height of taller building	Condominiums Setbacks: • Bldg A: 95' • Bldg B: 57.5' • Bldg C: 65.9' • Bldg D: 57' Inn Setback: 109' <u>44' separation required for</u>: Between Bldgs A & B: 87' Between Bldgs B & C: 142.7' Between Bldgs C & D: 161.4' Between Bldg A & Inn: 65.9' Between Bldg D & Inn: 191.9' Between Bldg D & Townhouses: 66.4' Between Inn & Townhouses: 119.7' <u>15' separation required for:</u> Between Townhouses: 15'
74-85(g) Building Height Hotel/ Inn: 56' Residential Use: 32' <u>Height Bonus Provisions</u>: • Maximum Height of 88' • Up to 16' bonus if 1' addl. Setback provided over the average setback for all buildings • 16' bonus if 50% of required parking in parking structure • 16' bonus if ISR is less than 50% • 16' bonus if average height of all buildings is 56' or less	<u>Proposed Heights</u> Inn: 53.17' Condominiums: 85.33' Townhouses: 32' <u>Proposed Height Bonus for Condominium</u>: • Maximum proposed height of 85.33' • 26.88' addl. Setback over the Average setback, 13' maximum addl. height bonus • 85% of parking is within parking structure • Proposed ISR = 49.04 % • Average Height = 51.59' Based on compliance with all four bonus provisions, condominiums eligible for proposed height of 88'. No height bonus requested for Townhouses or Inn.

74-85(h) Parking Hotel/ Inn: 1 space per unit + 1 space for each employee	**Required Parking** 33 Rooms + 6 employees 33 room spaces +6 empl. spaces 39 Total spaces	**Provided Parking** 39 Total spaces
Residential (Condominiums & Townhouses): 2 spaces/ unit + 1 space/ 3 units for visitors	104 Condos units: 208 owner spaces + 35 visitor spaces 243 Total spaces	208 Garage spaces + 36 visitor at-grade spaces 244 Total Spaces
	28 Townhouse units 56 owner spaces + 10 visitor spaces 66 Total spaces	56 Garage spaces +20 visitor spaces 76 Total Spaces
74-85(i) Flexibility Provisions	No flexibility is requested from the PMU district (other than the Height Bonus for Condominium Buildings)	
74-85 (j) Historic Recognition Component (See Detailed Analysis in Site Plan Narrative) General Criteria • Use of Property • Unique Architectural Composition • Site/ Location • Economic Contribution	• Inn's design is representative of the historic use. • Design includes character defining features: gabled roof design, fenestration pattern & style, verandahs at front & rear, multiple chimneys, siding and roof materials. • Building prominently sited, central to site with elegant entrance. • Inn will create construction & permanent jobs, ad valorem taxes, utility & franchise fees, and new sales taxes and new room taxes.	

• Social, Cultural and Community Heritage	• Inn will include historic displays and artifacts about the Hotel in an Interpretive Center and Inn will serve as community gathering place • Developer will re-use materials from Hotel including wood floors, leaded glass windows, specialty interior doors and trim, and bricks
<u>Specific Design Criteria</u> • Use of Design Components	• Architecture employs elements of Queen Anne & Shingle styles • Height of 4 stories with clear division of floors • Intersection gabled moderately pitched roof • Broad verandahs at front and rear entrances • Multiple Chimneys • Style and Character reflects historic style of existing hotel • Prepare Documentation of Hotel including measured drawings, photographs & history • Prepare inventory of artifacts, photographs and memorabilia extant in Hotel and re-use as many as possible in the Inn • Develop agreement with the Town to preserve the artifacts, photographs and memorabilia not re-used in the Inn • Construct & design St. Andrew's Pub and Maisie's Ice Cream Parlor within the Inn in a manner reminiscent of their design in the Hotel

Attachment No. 3

ORDINANCE NO. 497

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFOR INCLUDING SECTIONS 66-10, 74-82, 74-84, 74-85, 74-86, 74-112; PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR A NEW ZONING DISTRICT ENTITLED "PLANNED MIXED USE" (PMU); PROVIDING FOR THE PERMITTED USES AND STANDARDS APPLICABLE THERETO, INCLUDING DENSITY/INTENSITY, BUILDING SETBACKS, BUILDING HEIGHT AND A HEIGHT BONUS FORMULA; PROVIDING FOR FLEXIBILITY PURSUANT TO THE PLANNED DEVELOPMENT PROCESS; PROVIDING FOR A HISTORIC RECOGNITION COMPONENT; PROVIDING FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code in order to reflect changed conditions and current needs in the Town; and

WHEREAS, the Town Commission over an extended period of time has reviewed and determined it necessary and prudent to update and revise, the Land Development Code as set forth in the Ordinance; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board as well as relevant public comment and testimony; and

WHEREAS, the Town Commission desires to amend the Land Development Code to establish a new planned mixed use zoning district that provides for a combination of temporary lodging and residential use designed to recognize an important historic resource in the Town; and

WHEREAS, the Town Commission finds it necessary and beneficial to establish provision for Development Agreements consistent with the Florida Local Government Development Agreement Act.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

Section 1. The Land Development Code, Sec. 66-10 Definitions, is amended to delete the definition of "Hotel" and add the following terms and definitions in their appropriate alphabetical order:

Historic Recognition Component – shall mean a project that includes a component part that both symbolizes and is directed at recognizing the historic value and importance of the Belleview Biltmore Hotel to the Town's cultural, social, economic, political and architectural heritage based on an affirmative determination pursuant to the criteria for such determination set forth in Sec. 74-85(j) of this code.

Hotel/Inn – A temporary lodging use providing individual sleeping rooms for overnight guests for temporary occupancy and such accessory uses as dining, meeting, recreational, sundry and like facilities normally attendant to and in proportion to the number of temporary lodging units available. All ingress and egress to and from the individual units in the temporary lodging use shall be internal to and from within the main structure. The building or group of buildings comprising the hotel/inn shall have a lobby and an office staffed and operated by personnel of the temporary lodging use to serve the guests occupying and utilizing the hotel/inn and accessory facilities.

Temporary Lodging Use – A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one(1) month, more than three (3) time in any consecutive twelve (12) month period, including a hotel/inn. A temporary lodging use does not include a residential dwelling, group home, boarding house or residential equivalent use.

Temporary Lodging Unit – An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Section 2. The Land Development Code, Sec. 74-82. Schedule of district regulations, is amended to insert the Planned Mixed Use (PMU) district in the table as set forth below:

Attachment No. 3

District	*Purpose*	*Permitted Use*	*Accessory Structures and Accessory Uses*
RM-10, multifamily residential	This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas where it is likely and desirable to provide for such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(a))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RM-15, multifamily residential	This district is composed of medium-density multiple-family residential areas with additional open areas where it is likely and desirable to extend such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(b))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RPD, residential planned development	This district allows variable-density areas with supporting service facilities	Planned unit development Single-family dwellings Multiple-family dwellings (See section 74-83(c))	Private garages and carports Private swimming pools, hot tubs and cabanas Fences and fence walls Parks Utility service structures Golf courses, provided that the clubhouse is located over 300 feet from any dwelling Recreational facilities and structures Marinas
H, hotel	This district is intended to provide transient residential accommodations compatible with medium-density multifamily residential development.	Hotel/inns and uses permitted in the RE district (See section 74-83(d))	Guest cottages Private swimming pools, hot tubs and cabanas Servant's quarters Spas Tennis courts Fences and fence walls Playgrounds, public parks and recreation areas Public rooms for eating and drinking within the primary hotel structure Shops and offices authorized in the C-1 district and within the primary hotel structure Utility service structures
PMU, planned mixed use	This district provides for temporary lodging and multifamily residential use with the objective of facilitating the redevelopment of the property inclusive of a historic recognition component.	Temporary Lodging use, including Hotel/Inn, and Multifamily Residential, when done in conjunction with Temporary Lodging Use (See section 74-85)	Uses accessory to Residential Use enumerated for the other Residential categories; and uses accessory to Temporary Lodging Uses, including dining, meeting, recreation, sundry and like facilities common to a Hotel/Inn

Note: All other parts of this table in Sec. 74-82, including the footnotes thereto, other than as noted above in red and underlined remain as previously set forth.

3

Attachment No. 3

Section 3. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to insert the PMU district in the table as set forth below:

Attachment No. 3

The schedule of dimensional regulations for he various zoning districts is as follows:

	Lot Minimums				*Miminum Yard Setbacks*								
District	*Area (Square Feet)*	*Width (feet)*	*Depth (feet)*	*Density Maximum Dwelling Units peracre*	*Front (feet)*	*Side (feet)*	*Rear (feet)*	*Minimum Offstreet Parking per Dwelling Unit*[1]	*Offstreet Dwelling*	*Maximum Height*[3] *(feet)*	*Flood Zone*	*Minimum Living Area per Unit*[2] *(square feet)*	*Floor Area Ratio (FAR)*
RM-10[5]	5 acres	---	---	10	25	15[4]	25	1.5		32	34	1,500	---
RM-15	10,000	100	100	15	25	7.5[4]	15	1.5		32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)			1		32	---	1,200	---
H	17.5 acres	---	---	28	(See section 74-83)			1		32	34	300	0.4
PMU	17.5 acres		See Sec, 74-85 for standards applicable to the Planned Mixed Use (PMU) District										

Note: All other parts of this table in Sec. 74-84 other than as noted above in red and underlined are as previously set forth.

[1] See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

[2] Exclusive of garages, breezeways, proches and patios.

[3] The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, exxcept for chimneys, parapets, bell towers and elevator penthouses. In no chase shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the sstructure is located within. This shall not apply to any property located in the RPD district existing at the tim eof adoptio of this land development code. See Sec. 74-83 (a)(3) for special height bonus provisions for RM-10 District.

[4] See Section 74-113

[5] See Sec. 74-83 (a) for additional requirements for RM-10 district.

[6] For impervious surface ratio, see section 74-112,

[7] On waterfront lots, all bildings, including gues cotages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall

[8] All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.02), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § 1, 11-2-93; Ord. No. 363, § 2, 3-19-96;

Attachment No. 3

Section 4. The Land Development Code, Sec. 74-85. Create a new Sec. 74-85 to read as follows:

Sec. 74-85. Special Regulations for Planned Mixed Use (PMU) District.

(a) *Purpose.* The purpose of the Planned Mixed Use (PMU) zoning district is to recognize the need and desirability of combining temporary lodging use with multi-family residential use in a manner that facilitates the redevelopment of the property to include a historic recognition component consistent with and based upon any Special Certificate of Appropriateness approved in accordance with Sec. 74-332 of the Land Development Code,.

In particular, it is the objective of this district to provide an expanded range of uses and flexible standards directed at providing the economic incentives and practical considerations required to foster redevelopment in a manner that gives recognition to the historic tradition of the Belleview Biltmore property.

(b) *Correlation with the Future Land Use Plan.* The PMU Zoning district shall only be eligible for consideration and utilization in conjunction with the Commercial General plan category of the Future Land Use Map.

(c) *Permitted Uses.* Permitted uses in the PMU district include the following:

(1) Temporary Lodging Use, including Hotel/Inn

(2) Multi-family Residential Use, when part of a plan that includes Temporary Lodging Use

(3) Accessory Uses to Temporary Lodging and Residential Use

(4) Nothing in this ordinance shall be interpreted to preclude a permitted temporary lodging use and multi-family residential use from being located either horizontally or vertically in the same or attached structure(s).

(5) Any permitted accessory use to a temporary lodging use shall be accessible to the public for entry/exit only internal to and from within the temporary lodging use itself.

(d) *Density/Intensity Standards.* The maximum permitted density/intensity standards for the PMU district for projects that satisfactorily address the Historic Recognition Component criteria of this ordinance shall be as follows:

(1) Temporary Lodging Use – Forty-two (42) temporary lodging units (tlu) per acre.

(2) Multi-family Residential Use in conjunction with Temporary Lodging Use – Ten (10) dwelling units (du) per acre.

(3) Mixed use projects may combine both Temporary Lodging Use and Multi-family Residential Use based on the maximum density/intensity allowed for each use, calculated on the basis of the proportionate share of the property attributed to each use.

(4) The maximum permitted impervious surface ratio (ISR) for the PMU district shall be sixty (60) percent.

(e) *Minimum District and Unit Size.* Shall be as follows:

(1) The minimum district size for utilization of the PMU district shall be seventeen and one-half (17.5) acres.

(2) The minimum living area of any residential dwelling unit shall be one thousand five hundred (1,500) square feet.

(3) The minimum room size for any temporary lodging unit shall be three hundred (300) square feet.

(f) *Building Setbacks and Separation Distances.* Shall be as follows:

(1) The minimum required setback distance for the portion of any building or structure that does not exceed thirty two (32) feet in height shall be twenty five (25) feet from the edge of pavement/curb for the perimeter roadways.

(2) The minimum required setback distance for the portion of any building or structure that exceeds thirty-two (32) feet in height shall be fifty (50) feet from the adjoining roadway centerline or property line – whichever provides for the greater setback distance.

(3) The minimum separation distance between buildings or structures shall be one-half (0.5) the height of the higher of any two structures and meet the minimum required by the applicable building code requirements.

(g) *Building Height.* Shall be regulated as follows:

(1) The maximum permitted building height shall be as follows, subject to the provisions for height bonus set forth as herein:

a. Temporary Lodging Use – Fifty-six (56) feet

b. Residential Use – Thirty-two (32) feet

(2) Height bonus provisions shall be as follows:

a. The provisions in this section are cumulative and additional height may be authorized on the basis of one or all of these provisions; however, in no event shall the height of any building in the PMU zoning district exceed eighty-eight (88) feet.

b. To be eligible for any height bonus, the average height of all buildings in the development, in proportion to the floor area of the first habitable floor of all buildings in the development, must not exceed fifty-six (56) feet.

c. Should a building take advantage of the parking height bonus identified in this section, the applicable height of the building will be reduced, as it relates to height calculation for average height, by the distance, measured from floor to floor of any designated parking floor, provided that:

1. Seventy-five percent (75%) of parking floor area is dedicated to parking; and

2. The cumulative height of all parking floors above grade in a given building is below twenty percent (20%) of the unadjusted building height.

d. The following four provisions may be used to qualify for a height bonus, either singularly or in combination, consistent with the above stated conditions:

1. Setbacks – The height of a building may be increased by one-half (0.5) foot up to a maximum of one-half of the height permitted as of right for every additional one (1) foot of additional setback above and beyond that which is required based on the average setback for all buildings.

2. Structured Parking – The height of a building may be increased up to a maximum of one-half of the height permitted as of right if fifty percent (50%) or more of the required parking is provided for in a parking structure beneath the building.

3. Impervious Surface – The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the impervious surface ratio for the site is less than fifty percent (50%) of the total site area.

4. Average Height - The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the average height of all buildings on the site, in proportion to the floor area of the first habitable floor of all buildings, does not exceed fifty-six (56) feet.

(h) *Parking.* Parking requirements for the PMU district shall be as follows:

(1) Temporary Lodging Use and uses accessory thereto – One (1) parking space per temporary lodging unit; plus one (1) parking space for each employee anticipated to be on the property at any one time.

(2) Residential Use and uses accessory thereto – Two (2) parking spaces per dwelling unit plus one (1) parking space for every three (3) dwelling units.

(3) All other provisions for parking and loading shall be consistent with Article III, Div. 3, Off Street Parking and Loading.

(i) *Planned Development Flexibility Provisions.* The enumerated standards for district and unit size, and separation distances, setbacks, building height, and parking are as set forth herein, except that the Commission may approve such adjustment to one or more of these

standards under the planned development district process based on the merits of the specific site development plan, consistent with and based upon achieving the objectives of the historic recognition component of this ordinance.

Any such flexible adjustment may only be approved, and will be explicitly determined and set forth, as part of a Development Agreement approved by the Commission pursuant to Sec. 74-86. Development Agreements of the Town Code.

(j) *Historic Recognition Component.* The recognition of historic characteristics embodies a series of factors that reflect the importance of a given structure or property to a community and the larger public interest. These factors may include the nature of the use itself, the unique architectural or structural composition of a building, the historic significance of a site or location, and the economic, social, and cultural importance to a community or region. Each of these factors should be considered in determining the need, value and practicality of recognizing and preserving, replicating, or symbolizing in some form, one or more of these contributing aspects of historic recognition.

This Historic Recognition Component section shall apply only in the event that a Special Certificate of Appropriateness has been approved pursuant to and consistent with the criteria of Sec. 74-332, Historic Preservation of the Land Development Code and the proposed project accompanying the application for the Special Certificate of Appropriateness has submitted application for rezoning to Planned Mixed Use (PMU).

For the purposes of this ordinance and determining the eligibility of a given project to qualify for the combination of use, increased density/intensity, height bonus, and related planned development flexibility provisions set forth herein, the following criteria will be evaluated by the Town as part of its determination to approve a Planned Mixed Use zoning amendment and the corresponding site development plan and Development Agreement.

(1) General Criteria. The factors to be evaluated shall include:

a. Use of the Property. – The proposed Temporary Lodging Use shall provide temporary lodging that is representative of the historic use of the property.

b. Unique Architectural Composition. – The proposed Temporary Lodging Use shall reflect or replicate the character defining features of the exterior architectural style and appearance of the Belleview Biltmore Hotel as shown in Appendix A to a reasonable degree, such that any new building incorporates one or more of the original building's defining architectural features.

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.

c. Site/Location. The project shall honor and reflect the original site through the location, addition, or any new replacement building relative to its positioning, approach and relationship to the site as a whole.

d. Economic Contribution. The proposed project shall provide, to a reasonable degree, an economic contribution that is of benefit to the community that would be otherwise lost if no temporary lodging use was included.

e. Social, Cultural and Community Heritage. The proposed use shall contribute to the historical character, identity and social and cultural heritage of the Town as a whole.

(2) Specific Design Criteria. The design of the temporary lodging use and any accessory use thereto shall replicate the character defining features of the original exterior architectural style of the original Belleview Biltmore Hotel as shown in Appendix A attached hereto and hereby made a part of this Ordinance. The intent of this provision is to include, to the extent practical and consistent with current building code standards, the following design components:

a. Victorian architecture with Queen Anne style ornamentation;

b. Minimum height of three (3) stories and maximum height of four and one-half (4.5) stories; with clear division of stories;

c. Intersection gabled, moderately pitched, roof;

d. Broad verandas at main entrances;

e. Multiple chimneys;

f. Exterior style and character of the architectural treatment; and

g. Use of original construction material[s] indigenous to the area at the end of the 19th century, including those materials that may be salvaged or harvested from the existing building.

Section 5. The Land Development Code, Sec. 74-86. Create a new Sec. 74-86 to read as follows:

Sec. 74-86. Development Agreements

(a) *Purpose.* The purpose of the Development Agreement process is to enable the detailed review of projects to be considered pursuant to the major development provisions of the Town Code in general and the Planned Mixed Use (PMU) zoning district in particular to ensure compliance with the objectives and standards thereof; as well as to comply with the requirements of Section 4.2.7.6 of the Countywide Rules with respect to temporary lodging use standards as may be necessary.

(b) *Submission Requirements.* Application for a Development Agreement shall include the information required for site plan review, any additional information required to determine compliance with or the basis for adjustment of the development standards and historic recognition provisions of this ordinance, and as otherwise determined necessary by the Town based on the specific features of the proposed development project.

(c) *Procedures.* The procedures for consideration and action on a Development Agreement shall, at a minimum, be consistent with and meet the requirements of the Florida Local Government Development Agreement Act (Sec. 163.3220-163.3243, F.S.). In particular, the procedure shall include the following:

(1) Public Hearings. Before entering into, amending, or revoking a Development Agreement, the Town shall conduct at least two public hearings. At the option of the Town Commission, one of the public hearings may be held by the Planning and Zoning Board.

(2) Notice of Intent.

a. Notice of intent to consider a Development Agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in the county. Notice of intent to consider a Development Agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

b. The notice shall specify the location of the land subject to the Development Agreement, the development uses proposed on the property, the proposed densities, intensities and building height, and shall specify a place where a copy of the proposed agreement can be obtained.

(3) Commission Action. Upon conclusion of the second public hearing, the Town Commission shall approve, approve with conditions, or deny the application to enter into a Development Agreement. If the Town Commission proposes a change to the proposed Development Agreement at the second public hearing, the Commission may continue the hearing on a date certain to allow for a written revisions of the proposed Development Agreement to be provided to the Commission for consideration.

(4) Corresponding Relief. The Town Commission, in approving a Development Agreement, is authorized, to grant relief from any provision of the Land Development Regulations that is otherwise authorized to be waived, varied, or granted by the Land Development Regulations, except that no such waiver or variance shall be made to the permitted uses or maximum permitted density and/or intensity standards.

(5) Plan Incorporation. All plans, schematics, and conditions approved by the Town Commission will become part of, or properly identified and referenced in the Development Agreement for the project.

(d) *Content.* At a minimum, a Development Agreement shall include the following:

(1) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;

(2) The duration of the agreement;

(3) The development uses permitted on the land, including densities, intensities and building height;

(4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;

(5) A description of any reservation or dedication of land for public purposes;

(6) A description of all local development permits approved or needed to be approved for the development of the land;

(7) A finding that the development permitted or proposed is consistent with the Town's Comprehensive Plan and Land Development Regulations;

(8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens;

(9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restriction; and

(10) Such additional information or requirements as the Town may determine necessary.

A Development Agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.

(e) *Effect of Subsequent Code Changes.* Upon approval and execution of a Development Agreement, the Town's codes and ordinances governing the development of the land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement. The Town may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the Town has had a public hearing and determined that one or more of the following apply:

(1) They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement;

(2) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;

(3) They are specifically anticipated and provided for in the Development Agreement;

(4) The Town demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development agreement; or

(5) The Development Agreement is based on substantially inaccurate information supplied by the developer.

(f) *Duration, Amendment, Filing.* The following shall govern Development Agreements approved pursuant to the Section:

(1) The duration of a Development Agreement may not exceed 30 years, unless it is extended by mutual consent of the Town Commission and the developer, subject to public hearings as required for the initial approval.

(2) The Town shall review land subject to a Development Agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the agreement. If the Town finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the Development Agreement, the agreement may be revoked or modified by the Town.

(3) A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

(4) Within 14 days after execution of a Development Agreement, the Town shall record the agreement with the Clerk of the Circuit Court. A Development Agreement is not effective until it is properly recorded in the public records of the county. The burdens of the Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successor in interest to the parties to the agreement.

(5) If state or federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties' compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

Section 6. The Land Development Code, Sec. 74-112. Impervious surface coverage, is amended to add the PMU district to subparagraph (e) Table of Impervious Surface Ratios as set forth below:

Attachment No. 3

(e) *Table of impervious surface ratios.* Maximum impervious surface ratios shall be as follows:

Zoning District	*Maximum Impervious Surface Ratio*[1]
RE, R-1 and R-2 (residential districts)	60 percent
RM-10 and RM-15 (multifamily districts)	60 percent
RPD (planned residential district)	60 percent
H (hotel district)	70 percent
PMU (planned mixed use)	60 percent
C-1 and C-2 (office and retail districts)	75 percent
C-3 and C-4 (retail and product distribution districts)	75 percent
C-5 (storage district)	75 percent
GC	As approved under site plan review
P: Institutional uses Transportation uses	 85 percent 90 percent
SPM	75 percent

[1] The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to article II of this chapter.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 8. The effective date of this ordinance shall be the date the final ordinance is read and approved by the Town Commission as provided by law.

PASSED ON FIRST READING: May 20, 2014

PASSED ON SECOND AND FINAL READING: June 17, 2014

Mayor

ATTEST:

Town Clerk

Summary

To: Planning and Zoning Board
From: Micah Maxwell
Date: 10/6/2014

Subject:

Consideration of zoning change for the Belleview Biltmore Hotel site.

Summary:
The owner of the Belleview Biltmore Hotel has made an application for zoning change through a proxy (JMC Communities)

Previous Commission Action: None

Background/Problem Discussion: See staff report pages 5-8.

Financial Implications: N/A

Recommendation:
See staff report

Proposed Motion
1**.** I move that the Planning and Zoning Board recommend to the Town Commission approval/denial of the requested zoning change for the Belleview Biltmore Hotel site.

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

Town of Belleair Staff Report

Prepared For: Belleair Planning and Zoning Board
And
Belleair Town Commission

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

Date: September 30, 2014

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

Town of Belleair Staff Report

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

Belleair Planning and Zoning Board
Bonnie-Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Allen Acken, Member
Rogers Hayden, Member
Peter Marich, Member
James Millspaugh, Member
Randy Ware, Member

Stephen Fowler, Commissioner Advisor

Micah Maxwell, ICMA - CM
Town Manager

David Ottinger, Esq.
Town Attorney

BELLEVIEW BILTMORE HOTEL
APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

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INTRODUCTION

Background

This staff report identifies and examines a series of applications filed on behalf of JMC Communities, Inc., the contract purchaser for the Belleview Biltmore Hotel property owned by BB Hotel, LLC., by their representative, E. D. Armstrong, Esq.

The applications, filed in concert with the application for Special Certificate of Appropriateness for Demolition of the Hotel, include a request for a zoning map amendment, and corresponding approval of a master plan, preliminary development plan and development agreement.

The Applications

An overview of each application is outlined below.

Zoning Map Amendment - The application for amendment of the Zoning Map proposes to amend the current Hotel (H) district that applies to the 17.7 acre hotel property to Planned Mixed Use (PMU).

The Planned Mixed Use district allows for temporary lodging and uses accessory thereto, as well as residential use when done in conjunction with temporary lodging use. The PMU district requires an accompanying development plan as a function of the planned development process that identifies specifically what is proposed to be built on the site.

Master Plan - The Land Development Code, Sec. 66-172 (e), requires that a major site development plan that is proposed to be developed in phases provide a "Master Plan" to be considered with the initial preliminary development plan. The proposed project is considered a major development based on several factors, including the size of the property, the request for rezoning, and the number of residential dwelling units.

Preliminary Development Plan - The process and requirements for a preliminary development plan submitted in conjunction with a request for zoning amendment is set forth in Sec. 66-164 (b) of the Code. The application proposes to develop the site with a combination of 104 multi-family residential units in four buildings, 28 attached townhouse units, and a 33 room Inn providing temporary lodging units and related guest services.

While the Master Plan is proposed to be developed in phases, the submission includes a preliminary development plan that addresses all eight identified phases of the project.

Development Agreement - The applicants have submitted and propose to execute a Development Agreement pursuant to the Florida Local Government Agreement Act, Sec. 163-3220 - 163.3243, F.S.

The purpose of the Development Agreement is to memorialize and establish a commitment to the specific development details and respective responsibilities of the applicant and the Town.

Summary - Each of these separate components of the application are examined in detail in the following sections of this report.

ZONING MAP AMENDMENT

The application for amendment of the zoning map from Hotel (H) to Planned Mixed Use (PMU) is governed by several sections of the Town Land Development Code, including Sec. 66-311 through 66-318 and Sec. 74-62, zoning amendments generally; Sec. 66-164 (b), review of preliminary development plans that include amendment of the zoning map; and Sec. 66-10 and Sec. 74-82, 84, 85, 86 and 112,as amended by Ordinance No. 497, relating to the zoning district standards for the PMU district specifically.

As noted above, because the application for rezoning to PMU is for a planned development district, the master plan and preliminary development plan are component parts of the rezoning application and are inextricably connected. Thus review and action on the rezoning request includes two major components as follows:

1. The overall criteria for rezoning as set forth in the Code for any rezoning request , and in this case, one accompanied by a preliminary development plan; and

2. The specific evaluation of the site development plan in relationship to the purpose and standards of the PMU district.

The first of these two components is examined below; the second is addressed under the section of this report dealing with the Master Plan and Preliminary Development Plan.

Criteria for Zoning Map Amendments

The process for considering an amendment to the Town Zoning Map includes the requirement for legislative hearing and recommendation by the Planning and Zoning Board to the Town Commission, hearing and recommendation by the Local Planning Agency, and legislative hearing and action by the Town Commission.

The factors identified in Sec. 66-316 of the Code to be considered include consistency with the Comprehensive Plan and applicable provisions of the Code, other factual or policy considerations applicable to the request, and written comments from the Town Manager.

Consistency With the Comprehensive Plan - The application includes a detailed enumeration and assessment of the provisions in the Comprehensive Plan that bear on the application. See pp. 2-17 of the "Rezoning Application, Compliance Submittal, August 20, 2014." The relevant Goals, Objectives and Policies of the Comprehensive Plan that are cited include the following:

1. **<u>Future Land Use Element:</u>**

- Goal 1, Objective 1.1, Policies 1.1.2, 1.1.4, and 1.1.5
  Objective 1.3, Policies 1.3.1, 1.3.3, 1.3.4. and 1.3.7

  The application responds to these provisions by noting the proposed zoning district is consistent with the current Commercial General Future Land Use Plan category, the Countywide Rules for both temporary lodging and residential use and density, and the adjoining residential and recreational area. It further asserts that its consistency with the specific goal of supporting the preservation of the Belleview Biltmore Hotel is being addressed through the parallel consideration of the Special Certificate of Appropriateness and will be further addressed through the Historic Recognition Component of the PMU zoning district.

2. **<u>Transportation Element:</u>**

- Goal, Objective 1.1, Policies 1.1.1, and 1.1.2, and
  Objective 1.3, Policy 1.3.1

  The application responds to these transportation and mobility provisions of the Comprehensive Plan by noting that it comports with the adopted levels of service standards for the Town - the only exception being the LOS on Ft. Harrison Ave. where the projected impact is deminimus. The application further asserts there will be a reduction in the projected traffic volume for the proposed project based on numbers attributed to the previous hotel use. It also addresses access, parking, circulation and pedestrian design features of the Preliminary Development Plan in support of its consistency with the objectives of the Comprehensive Plan.

3. **<u>Infrastructure Element:</u>**

- Goal 1, Objective 1.1, Policy 1.1.1
- Goal 2, Objective 2.1, Policy 2.1.2
- Goal 3, Objective 3.1, Policies 3.1.1, 3.1.2, 3.1.3, and 3.1.4

  The application responds to the Comprehensive Plan provisions for addressing water, sewer, solid waste and stormwater impacts by projecting the demands of the proposed project in relationship to existing capacity. It asserts that the Town's water system has adequate capacity, and that sanitary sewer service is provided by Pinellas County who indicates it has sufficient capacity at the Southcross Bayou Wastewater Treatment Plant to serve the project. Solid waste is disposed of at the County solid waste plant and landfill and Pinellas County has confirmed it has the capacity to serve the project. Stormwater management has been reviewed by the Town's consultant, determined to meet the Town's requirements based on the Preliminary Development Plan and will be subject to SWFWMD permitting and approval of final construction plans.

4. **Recreation and Open Space Element:**

- Goal, Objective 1.1, Policy 1.1.1
  The application documents the current recreation/open space acreage in relationship to the Comprehensive Plan standard of 5 acres per 1,000 persons, and indicates that the additional acreage requirements based on the estimated population of the proposed project will continue to be consistent with the Town's level of service standard.

5. **Capital Improvement Element:**

- Goal, Objective 1.5, Policies 1.5.1, 1.5.2, 1.5.4, 1.5.7 and 1.5.8
  The application evaluates the projected impact of the proposed development plan in relationship to the concurrency management standards of the Comprehensive Plan for sanitary sewer, solid waste, drainage, potable water, recreation and open space, and public schools. It concludes that "no new facilities or expansions to existing facilities are required as a result of the proposed rezoning"; and that "the adopted LOS for all public utilities and services will continue to be met by the project and all public facilities and services will be available concurrent with the development of the proposed rezoning site."

Compliance With the Land Development Code - The application indicates the request for rezoning will comply with the applicable provisions of the Code, including those sections of Chapter 74 dealing with Development Design and Improvement Standards (Article III), Accessory Structures and Uses (Article IV), Overlay and Floating Zones including Historic Preservation (Article V), Resource Protection Standards (Article VI) and Signs (Article IX).

A principal requirement for compliance with the Code is the manner in which the Preliminary Development Plan relates to the specific standards of the PMU zoning district. These requirements will be enumerated and evaluated in the section of this report dealing with the Preliminary Development Plan.

Additional Considerations Applicable to the Application - In addition to the criteria noted above, because this amendment is a planned development district that is based on an accompanying preliminary development plan, the provisions of Sec. 66-164 (b) also apply and have been addressed in the application on pp. 23-26 and attachments 4-1 through 4-6.

This information details the proposed nature of the project, its land use composition and density, the relationship to and compatibility with surrounding uses, the basis on which the concurrency management provisions of the Code are met, and the manner in which the proposed zoning district recognizes the existing development pattern, natural features, and infrastructure.

Summary

The application has addressed and responded to the required criteria related to consistency with the Comprehensive Plan, conformity with the Land Development Code, and the particulars of the proposed development in relationship to the site, adjoining uses and interests, and the

ability to maintain the Town's concurrency management standards for the enumerated infrastructure facilities.

The information and analysis presented in the application is complete, relevant, and provides reasonable documentation that the request for rezoning from the Hotel (H) district to the Planned Mixed Use (PMU) district is consistent with and meets the Town Plan and Code requirements for the requested zoning map amendment.

MASTER PLAN AND PRELIMINARY DEVELOPMENT PLAN

As described in the previous section, the application for zoning map amendment to Planned Mixed Use (PMU) requires, and shall be considered in part based on the merits of, the accompanying site development plan. This section of the report addresses the Master Plan and Preliminary Development Plan submitted in conjunction with the rezoning request.

Master Plan

The Land Development Code requires a major development, which is proposed to be developed in phases, to submit a Master Plan that illustrates the overall plan for development, as well as the delineation, composition, and schedule of the proposed phases of the project.

The submitted Master Plan describes the design concept, the three main components of which include four mid-rise condominium buildings providing for a total of 104 dwelling units, twenty-eight townhouse units and a thirty-three room Inn - each with a distinctive architectural style. The site includes a central event lawn and swimming pool near the Inn, and pedestrian walkways around the perimeter and interconnecting the internal portions of the site.

The Master Plan (Sheet 2-A) of the application submission package includes the following Phasing Data Information and Master Plan Phasing Schedule.

"Phasing Data Information"

PARCEL NO.	AREA IN ACRES	UNITS	DENSITY UNITS PER ACRE	TYPES	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

"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); the 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.*

The "Phasing and Data Information" does not include the entire acreage of the site, which should be added in order that the average densities of the respective components of the project are accurately reflected.

Secondly, and of greater importance, the "Master Plan Phasing Schedule" proposed by the application as set forth above is unclear and inconsistent - in particular item 2 which lists Phase 2 twice and fails to include Phase 8, or the roadway and stormwater improvement areas, and the potential conflict between the wording of items 2 and 5. Further, it would appear to be inconsistent with the purpose and provisions of the PMU district unless the Inn and temporary lodging use it represents is required to be built in an earlier phase than is provided for.

Additionally, the second sentence of item 4 should be revised to indicate that the phase deadlines shall start upon approval of the final site plan as opposed to the list of individual actions which must precede approval of the final site plan. The reference to the rescission of the existing code enforcement order should be deleted from the phasing schedule.

Preliminary Development Plan

The Preliminary Development Plan is represented by the applicant's multiple, full-size plan sheet submission (Sheets 1 - LA4) identifying the Master Plan, existing conditions, demolition, site, paving, grading and drainage, utilities, tree inventory, signage, lighting and landscape plans and the accompanying narrative on pp. 2-6 of the "Master Plan/Preliminary Development Plan Completeness Submittal, August 20, 2014". As referenced previously, the Preliminary Development Plan addresses all eight phases of the proposed project.

Project Composition - The project consists of the following principal components:

- A thirty-three room Inn at the focal point of the main project entrance, the architectural design of which references the style of the Belleview Biltmore Hotel. The Inn includes an event lawn and swimming pool amenities and provides for the parking associated with the Inn.

  The Inn will include limited accessory uses, including the display of artifacts retrieved from the Belleview Biltmore Hotel in the public areas of the Inn.

  The Inn is proposed to be located on 1.31 acres of the site which yields a density of 25.2 units per acre - below the permitted maximum of 42 per acre allowed under the PMU zoning district. The building will be four stories or approximately 56 feet in height.

- Four condominium buildings with a total of 104 units are proposed to consist of two levels of parking and six living levels, positioned on the perimeter of the loop street that encompasses the site. The buildings are interconnected with an internal walkway system that connects the four buildings, the Inn, and open space between them.

  Each of the four multi-family condominium buildings will include 26 residential units for a total of 104 units, which when combined with the 28 townhouse units on the 16.3687 acres attributable to residential use yields a density of 8.1 units per acre as compared to the maximum of 10 units per acre permitted by the PMU zoning district.

  The height of the four multi-family buildings will be approximately 86 feet, based on the height bonus formula in the PMU district and below the permitted maximum 88 feet.

  The building height bonus for which the project qualifies is computed based on the provisions of Sec. 74-85 (g) that allow for additional height above the standard 32 feet in consideration for additional building setback, provision of structured parking, reduced impervious surface coverage, and limitation on average height of all buildings - with a specific formula for determining how each of the four bonus factors are measured.

- Twenty-eight townhouse units are clustered in the eastern side of the site between the two legs of Belleview Boulevard. Each cluster contains between three and five dwelling units with two-car garages accessed from rear entry drives.

  Both the 104 multi-family units and the 28 townhouse units are proposed to be sold in a condominium form of ownership.

Project-Specific Design Details - In addition to meeting the requirements of the PMU district with respect to the type and density of use, the district requires compliance with a series of specific design details that are summarized in Table 6 of the application document, entitled "Master Plan / Preliminary Development Plan, Completeness Submittal, August 20, 2014", which table is included as Attachment 2 to this report.

This table identifies the preliminary development plans compliance with the specific standards of the PMU district, including minimum parcel size, minimum unit size for each the temporary lodging and dwelling units, setback and separation distance, impervious surface ratio, building height (including the computation of the applicable height bonus) and parking. The proposed measures designed to address the historic recognition component are also identified, but will be more completely explained below.

Staff has reviewed the specific numerical standards applicable to the Preliminary Development Plan as represented in Table 6 in Attachment 2 to this report and determined that they are accurate and in compliance with the provisions of the PMU district.

Other Plan Considerations - The plan that has been submitted includes provisions that address access and circulation, parking, stormwater management, environmentally sensitive lands, and the historic recognition component of the PMU district.

Access and circulation is provided by Belleview Boulevard, a private road with an access easement that provides legal access to the site and to the existing uses to which the easement applies and connects to Belleview Road east of the bridge. Country Club Lane within the site also provides an existing access easement and will be maintained between portions of the townhouse complex.

Sec. 74-155 (1) of the Code requires two access points to a public right-of-way for residential projects in excess of 75 units. The applicants have requested approval of the existing single point of access based on the provisions of the Code [Sec. 74-155 (3)] which allow for "alternative designs" upon approval by the Town Commission in conjunction with the approval of a development plan where the natural features, previous development pattern and provisions for access create a situation in which two access points are physically or legally infeasible.

Parking has been provided for each component of the project in compliance with the parking requirements of the PMU district.

Stormwater management has been designed to be accommodated in three retention ponds identified on the proposed plan, which has been reviewed for preliminary compliance with Town standards, and will require final plans to be processed in accord with Town and SWFWMD requirements.

Sec. 74-411 - 415 of the Code address environmentally sensitive lands. The application indicates that the restricted development zone of off-site features extends into the site and that the project will comply with the standards in Sec. 74-414 for these areas.

The historic recognition component of the PMU zoning district is an important and integral part of determining the sufficiency of the Preliminary Development Plan. The application addresses this issue on pp. 15-16 of the referenced application. The key components of the applicants' response to this requirement are as follows:

- Design of the Inn is proposed to be a style reminiscent of the Hotel by employing "Shingle Style" and "Queen Anne" character defining features, including moderately pitched gable roof with patterned shingles, front and rear porches with spindle

ornamentation, gable dormer windows, multi-pane above single-pane windows and multiple chimneys.

- Re-use of materials from the Hotel in the Inn, including wood flooring, leaded glass windows from the Tiffany Ballroom, specialty interior doors and trim, and bricks to be used in the chimneys and sidewalks.
- Siting of the Inn in a prominent location at the terminus of the newly landscaped entryway to the project and the dedication of public spaces on the first floor, including a pub, ice cream parlor and interpretive center/meeting room to display artifacts and memorabilia from the Hotel.
- Documentation of the Hotel in a manner acceptable to the State Division of Historic Resources (DHR), and a mitigation agreement between DHR and the developer on other provisions for the salvage of historic materials not used in the Inn.

Summary

Based on the application materials submitted in support of the request for approval of the Master Plan and Preliminary Development Plan, staff finds the application to be complete and to address in a sufficient and consistent manner, the applicable standards and requirements of the PMU zoning district; subject, of course, to such additional information as may be gleaned from the public hearing process and the legislative prerogative of the Planning and Zoning Board in formulating their recommendation, and of the Town Commission in determining the appropriate course of action.

DEVELOPMENT AGREEMENT

As referenced previously in the Introduction, the application package submitted on behalf of JMC Communities, Inc. includes a draft Development Agreement prepared consistent with the provisions of State law and pursuant to the Town Code.

The Development Agreement recites the basis for providing for such an agreement, the property to which it applies, the particulars of the project that is proposed to be approved, the process for recording the agreement, its duration, and the respective obligations of the developer and the Town.

The purpose of the Development Agreement is to identify specifically the terms and conditions of the proposed project, provide a process to administer the agreement, and bind both parties to its provisions in order that there be no misunderstanding about what is proposed to be developed.

The form and content of the draft Development Agreement are satisfactory, subject to the incorporation of the final details of the Zoning Map amendment, Master Plan and Preliminary Development Plan as they may be ultimately approved, and such additional stipulations, as may be required, in particular as regards coordination of responsibilities with the adjoining RPD, by the Town Commission.

CONCLUSION AND RECOMMENDATION

Conclusion

Based on the information and substantive documentation submitted in the applications for amendment of the Zoning Map from Hotel (H) to Planned Mixed Use (PMU), and corresponding approval of the Master Plan, Preliminary Development Plan and Development Agreement, the review and analysis of these materials by staff, and subject to such additional pertinent and factual information as may be established in the course of the legislative public hearing process, staff finds as follows:

1. With respect to the application for Zoning Map amendment approval, the application is:

    a. Consistent with the goals, objectives and policies of the Comprehensive Plan;

    b. Compliant with the applicable provisions of the Land Development Code for the PMU district; and

    c. Comports with the related provisions of the Code addressing compatibility with the site, adjoining use and the maintenance of required levels of service standards for concurrency management.

2. With respect to the application for Master Plan approval, the application is:

    a. Consistent with the requirements for a master plan for a major development project - with the exception of the Master Plan Phasing Schedule which should be revised as previously noted under Master Plan on page 9 of this report, in particular to require the construction of the Inn prior to the initiation of Phases 3, 4, 5, and 6, or such other schedule as the Town Commission determines appropriate.

3. With respect to the application for Preliminary Development Plan approval, the application is:

    a. Consistent with the submission requirements for a preliminary development plan;

    b. Consistent with the intent, permitted uses and maximum density of the PMU district;

    c. Consistent with the specific site plan requirements for parcel size, unit size, setback and separation distances, impervious surface coverage, building height and parking as set forth in the PMU district;

    d. Consistent with the other plan requirements for access and circulation, stormwater management, and environmentally sensitive lands - with the exception of the need for approval for an "alternate design" for the single point of access as determined appropriate by the Town Commission pursuant to Sec. 74-155 (3); and

e. Consistent with the historic recognition component requirements of the PMU district - subject to the additional specificity for documentation of the historic significance of the Hotel and the proposed mitigation agreement with the State Division of Historic Resources as determined to be appropriate by the Town Commission.

4. With respect to the application for Development Agreement approval, the application is:

    a. Consistent with the form and content required by State law and the Town Code;

    b. Consistent with the foregoing applications for Zoning Map amendment, Master Plan and Preliminary Development Plan approval - subject to such changes or additions as may be required based on their disposition by the Town Commission, including such provisions as may be required of the applicants project to participate with the adjoining RPD in support of their respective and proportionate responsibilities for shared or common infrastructure.

Recommendation

Based on the above findings, and subject to such additional information as may be established through the public hearing process and the input and revisions determined to be necessary and appropriate based on this legislative process, staff recommends the Planning and Zoning Board recommend, and the Town Commission take action, as follows:

1. Approve the Zoning Map amendment from Hotel (H) to Planned Mixed Use (PMU);
2. Approve the Master Plan, subject to revision of the phasing schedule as suggested above or otherwise determined appropriate by the Town Commission;
3. Approve the Preliminary Development Plan, subject to the noted provisions for approval of a single point of access and agreement with the Division of Historic Resources, as determined appropriate by the Town Commission; and
4. Approve the Development Agreement, as it may be completed and revised to reflect the approved Zoning Map amendment, Master Plan and Preliminary Development Plan, and as suggested above with respect to coordination with the RPD, to the satisfaction of the Town Commission.

ATTACHMENTS

Attachment No. 1	Master Plan, Preliminary Development Plan and Elevations from the Application
Attachment No. 2	Application Table 6 Re: Compliance with the Planned Mixed Use Zoning District
Attachment No. 3	Town Ordinance 497 - Establishing the Planned Mixed Use Zoning District

Attachment No. 1

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.

DATE 2014-51
DR 310
DATE 6-16-2014
DESIGN RAH
DRAWN RAH
CHK PBS
SP RM
06-14-2014 REVISED NOTE 4
REV DATE

DESIGNED FOR JMC COMMUNITIES
PROJECT NAME JMC COMMUNITIES
SHEET NAME MASTER PLAN

FLORIDA DESIGN CONSULTANTS, INC.
— THINK IT. ACHIEVE IT. —
5555 STARKEY BOULEVARD, NEW PORT RICHEY, FLORIDA 34655
PHONE (727) 847 1487 FAX (727) 847 3486 WWW.FLDESIGN.COM C.A. NO. 7451

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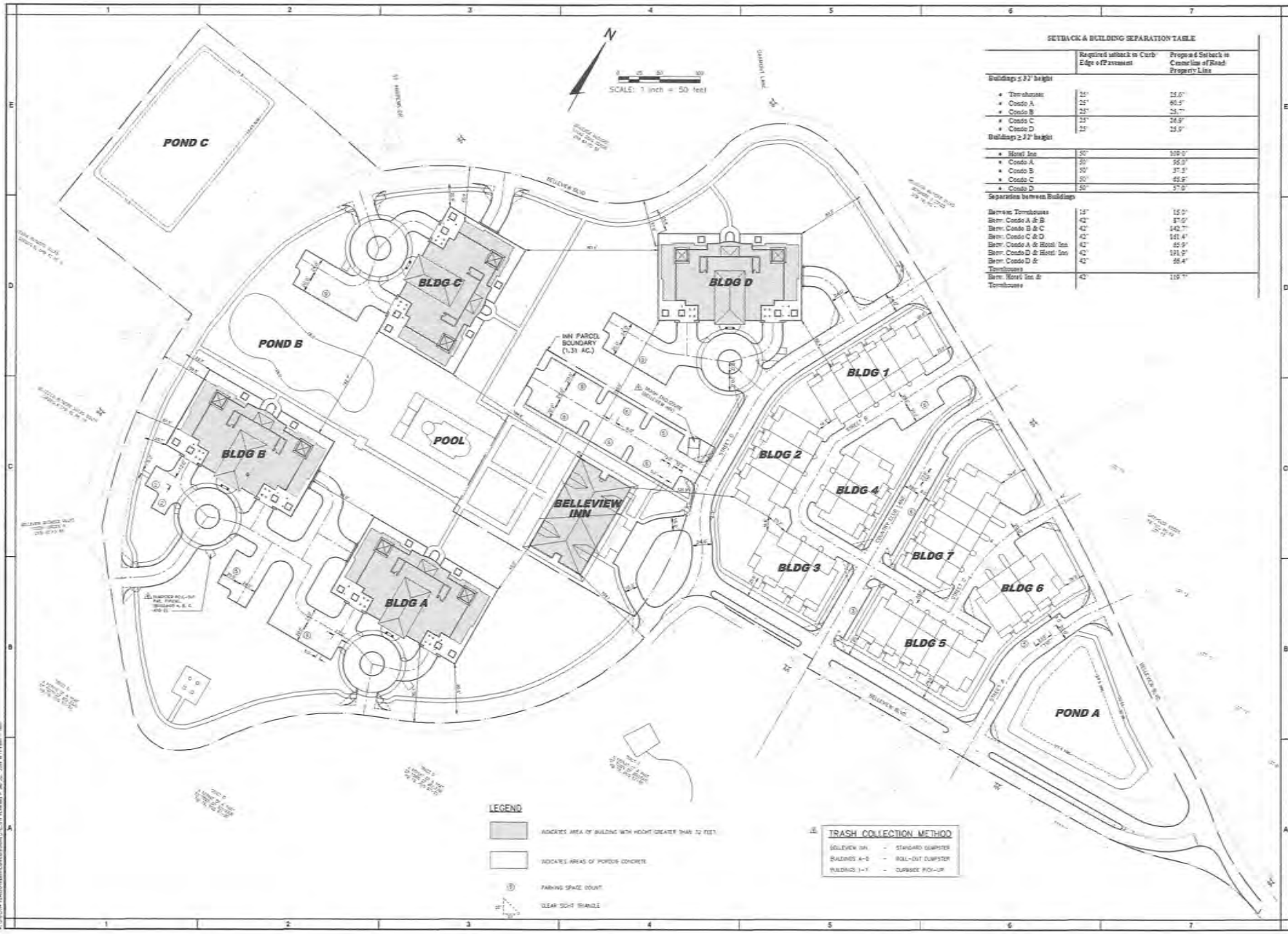

SETBACK & BUILDING SEPARATION TABLE

	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.
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11 / 23

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Santiesteban
& Associates
ARCHITECTS

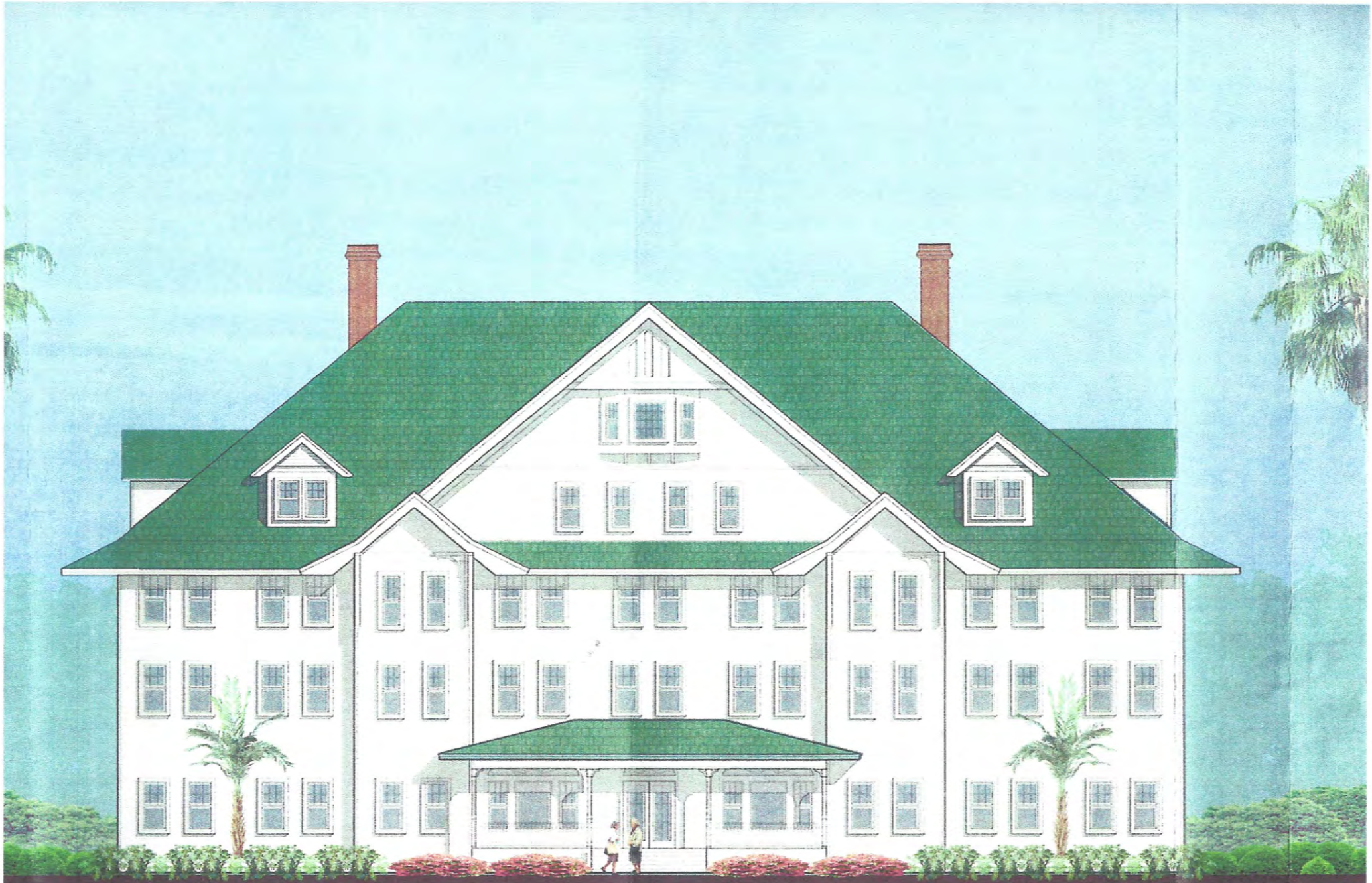
BELLEVIEW

MID-RISE BUILDINGS

Belleview Townhomes

Belleair, Florida

BSB DESIGN



THE BELLEVIEW INN

EA

COMPLIANCE WITH THE PMU ZONING DISTRICT

On June 17, 2014, The Town of Belleair adopted a new zoning district entitled the Planned Mixed Use (PMU) District which is the zoning district requested in this application. The new PMU district has been incorporated into the Town's *Land Development Code* as Section 74-85 and the project's compliance with the district's provisions is outlined in **Table 6** below.

Table 6
JMC Communities Site's Compliance with PMU District

PMU Requirement	Project's Compliance
74-85(a) Purpose	Project proposes temporary lodging use and multifamily residential with a historic recognition component.
74-85(b) Correlation with Future Land Use Plan: Site must be designated CG on Plan	Site is designated as CG on Plan
74-85(c) Permitted Uses: Hotel/ Inn, Multifamily Residential when project includes Hotel/ Inn, Accessory uses	Proposed Uses: 33 room Inn, 104 midrise Condominiums, 28 Townhouses and Accessory uses
74-85(d) Density/Intensity Hotel/ Inn: 42 units/ acre Multifamily: 10 units/ acre	Project proposes maximum of 33 rooms (25.2 units/ acre) and 132 residential units (8.1 units/ acre)
74-85(e) Minimum District Size: 17.5 acres **Minimum Unit Size**: 300 sf for Hotel/ Inn and 1,500 sf for Multifamily	Proposed PMU district = 17.6787 acres Inn Site = 1.31 acres Residential Site = 16.3687 acres <u>Minimum unit sizes:</u> Inn: 400 sf – 1,327 sf per room Condo: 1,716 sf – 3,298 sf per unit Townhouses: 2,165 sf – 3,245 sf per unit
74-85(f) Setbacks & Separation: Buildings ≤32' height: 25' setback to edge of pavement of perimeter roads	<u>Proposed Setbacks & Separations</u> Townhouses Setbacks: 25' Condominiums Setbacks: • Bldg A: 60.5' • Bldg B: 25.7' • Bldg C: 26.9' • Bldg D: 25.9'

Buildings ≥32' height: 50' setback to centerline or property line Separation between Buildings: ½ height of taller building	Condominiums Setbacks: • Bldg A: 95' • Bldg B: 57.5' • Bldg C: 65.9' • Bldg D: 57' Inn Setback: 109' <u>44' separation required for</u>: Between Bldgs A & B: 87' Between Bldgs B & C: 142.7' Between Bldgs C & D: 161.4' Between Bldg A & Inn: 65.9' Between Bldg D & Inn: 191.9' Between Bldg D & Townhouses: 66.4' Between Inn & Townhouses: 119.7' <u>15' separation required for:</u> Between Townhouses: 15'
74-85(g) Building Height Hotel/ Inn: 56' Residential Use: 32' <u>Height Bonus Provisions</u>: • Maximum Height of 88' • Up to 16' bonus if 1' addl. Setback provided over the average setback for all buildings • 16' bonus if 50% of required parking in parking structure • 16' bonus if ISR is less than 50% • 16' bonus if average height of all buildings is 56' or less	<u>Proposed Heights</u> Inn: 53.17' Condominiums: 85.33' Townhouses: 32' <u>Proposed Height Bonus for Condominium</u>: • Maximum proposed height of 85.33' • 26.88' addl. Setback over the Average setback, 13' maximum addl. height bonus • 85% of parking is within parking structure • Proposed ISR = 49.04 % • Average Height = 51.59' Based on compliance with all four bonus provisions, condominiums eligible for proposed height of 88'. No height bonus requested for Townhouses or Inn.

74-85(h) Parking Hotel/ Inn: 1 space per unit + 1 space for each employee	**Required Parking** 33 Rooms + 6 employees 33 room spaces +6 empl. spaces 39 Total spaces	**Provided Parking** 39 Total spaces
Residential (Condominiums & Townhouses): 2 spaces/ unit + 1 space/ 3 units for visitors	104 Condos units: 208 owner spaces + 35 visitor spaces 243 Total spaces	208 Garage spaces + 36 visitor at-grade spaces 244 Total Spaces
	28 Townhouse units 56 owner spaces + 10 visitor spaces 66 Total spaces	56 Garage spaces +20 visitor spaces 76 Total Spaces
74-85(i) Flexibility Provisions	No flexibility is requested from the PMU district (other than the Height Bonus for Condominium Buildings)	
74-85 (j) Historic Recognition Component (See Detailed Analysis in Site Plan Narrative) General Criteria • Use of Property • Unique Architectural Composition • Site/ Location • Economic Contribution	• Inn's design is representative of the historic use. • Design includes character defining features: gabled roof design, fenestration pattern & style, verandahs at front & rear, multiple chimneys, siding and roof materials. • Building prominently sited, central to site with elegant entrance. • Inn will create construction & permanent jobs, ad valorem taxes, utility & franchise fees, and new sales taxes and new room taxes.	

• Social, Cultural and Community Heritage	• Inn will include historic displays and artifacts about the Hotel in an Interpretive Center and Inn will serve as community gathering place • Developer will re-use materials from Hotel including wood floors, leaded glass windows, specialty interior doors and trim, and bricks
<u>Specific Design Criteria</u> • Use of Design Components	• Architecture employs elements of Queen Anne & Shingle styles • Height of 4 stories with clear division of floors • Intersection gabled moderately pitched roof • Broad verandahs at front and rear entrances • Multiple Chimneys • Style and Character reflects historic style of existing hotel • Prepare Documentation of Hotel including measured drawings, photographs & history • Prepare inventory of artifacts, photographs and memorabilia extant in Hotel and re-use as many as possible in the Inn • Develop agreement with the Town to preserve the artifacts, photographs and memorabilia not re-used in the Inn • Construct & design St. Andrew's Pub and Maisie's Ice Cream Parlor within the Inn in a manner reminiscent of their design in the Hotel

Attachment No. 3

ORDINANCE NO. 497

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFOR INCLUDING SECTIONS 66-10, 74-82, 74-84, 74-85, 74-86, 74-112; PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR A NEW ZONING DISTRICT ENTITLED "PLANNED MIXED USE" (PMU); PROVIDING FOR THE PERMITTED USES AND STANDARDS APPLICABLE THERETO, INCLUDING DENSITY/INTENSITY, BUILDING SETBACKS, BUILDING HEIGHT AND A HEIGHT BONUS FORMULA; PROVIDING FOR FLEXIBILITY PURSUANT TO THE PLANNED DEVELOPMENT PROCESS; PROVIDING FOR A HISTORIC RECOGNITION COMPONENT; PROVIDING FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code in order to reflect changed conditions and current needs in the Town; and

WHEREAS, the Town Commission over an extended period of time has reviewed and determined it necessary and prudent to update and revise, the Land Development Code as set forth in the Ordinance; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board as well as relevant public comment and testimony; and

WHEREAS, the Town Commission desires to amend the Land Development Code to establish a new planned mixed use zoning district that provides for a combination of temporary lodging and residential use designed to recognize an important historic resource in the Town; and

WHEREAS, the Town Commission finds it necessary and beneficial to establish provision for Development Agreements consistent with the Florida Local Government Development Agreement Act.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

Section 1. The Land Development Code, Sec. 66-10 Definitions, is amended to delete the definition of "Hotel" and add the following terms and definitions in their appropriate alphabetical order:

Historic Recognition Component – shall mean a project that includes a component part that both symbolizes and is directed at recognizing the historic value and importance of the Belleview Biltmore Hotel to the Town's cultural, social, economic, political and architectural heritage based on an affirmative determination pursuant to the criteria for such determination set forth in Sec. 74-85(j) of this code.

Hotel/Inn – A temporary lodging use providing individual sleeping rooms for overnight guests for temporary occupancy and such accessory uses as dining, meeting, recreational, sundry and like facilities normally attendant to and in proportion to the number of temporary lodging units available. All ingress and egress to and from the individual units in the temporary lodging use shall be internal to and from within the main structure. The building or group of buildings comprising the hotel/inn shall have a lobby and an office staffed and operated by personnel of the temporary lodging use to serve the guests occupying and utilizing the hotel/inn and accessory facilities.

Temporary Lodging Use – A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one(1) month, more than three (3) time in any consecutive twelve (12) month period, including a hotel/inn. A temporary lodging use does not include a residential dwelling, group home, boarding house or residential equivalent use.

Temporary Lodging Unit – An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Section 2. The Land Development Code, Sec. 74-82. Schedule of district regulations, is amended to insert the Planned Mixed Use (PMU) district in the table as set forth below:

Attachment No. 3

District	*Purpose*	*Permitted Use*	*Accessory Structures and Accessory Uses*
RM-10, multifamily residential	This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas where it is likely and desirable to provide for such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(a))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RM-15, multifamily residential	This district is composed of medium-density multiple-family residential areas with additional open areas where it is likely and desirable to extend such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(b))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RPD, residential planned development	This district allows variable-density areas with supporting service facilities	Planned unit development Single-family dwellings Multiple-family dwellings (See section 74-83(c))	Private garages and carports Private swimming pools, hot tubs and cabanas Fences and fence walls Parks Utility service structures Golf courses, provided that the clubhouse is located over 300 feet from any dwelling Recreational facilities and structures Marinas
H, hotel	This district is intended to provide transient residential accommodations compatible with medium-density multifamily residential development.	Hotel/inns and uses permitted in the RE district (See section 74-83(d))	Guest cottages Private swimming pools, hot tubs and cabanas Servant's quarters Spas Tennis courts Fences and fence walls Playgrounds, public parks and recreation areas Public rooms for eating and drinking within the primary hotel structure Shops and offices authorized in the C-1 district and within the primary hotel structure Utility service structures
PMU, planned mixed use	This district provides for temporary lodging and multifamily residential use with the objective of facilitating the redevelopment of the property inclusive of a historic recognition component.	Temporary Lodging use, including Hotel/Inn, and Multifamily Residential, when done in conjunction with Temporary Lodging Use (See section 74-85)	Uses accessory to Residential Use enumerated for the other Residential categories; and uses accessory to Temporary Lodging Uses, including dining, meeting, recreation, sundry and like facilities common to a Hotel/Inn

Note: All other parts of this table in Sec. 74-82, including the footnotes thereto, other than as noted above in red and underlined remain as previously set forth.

3

Attachment No. 3

Section 3. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to insert the PMU district in the table as set forth below:

Attachment No. 3

The schedule of dimensional regulations for he various zoning districts is as follows:

	Lot Minimums				*Miminum Yard Setbacks*								
District	*Area (Square Feet)*	*Width (feet)*	*Depth (feet)*	*Density Maximum Dwelling Units peracre*	*Front (feet)*	*Side (feet)*	*Rear (feet)*	*Minimum Offstreet Parking per Dwelling Unit*[1]	*Offstreet Dwelling*	*Maximum Height*[3] *(feet)*	*Flood Zone*	*Minimum Living Area per Unit*[2] *(square feet)*	*Floor Area Ratio (FAR)*
RM-10[5]	5 acres	---	---	10	25	15[4]	25	1.5		32	34	1,500	---
RM-15	10,000	100	100	15	25	7.5[4]	15	1.5		32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)			1		32	---	1,200	---
H	17.5 acres	---	---	28	(See section 74-83)			1		32	34	300	0.4
PMU	17.5 acres		See Sec, 74-85 for standards applicable to the Planned Mixed Use (PMU) District										

Note: All other parts of this table in Sec. 74-84 other than as noted above in red and underlined are as previously set forth.

[1] See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

[2] Exclusive of garages, breezeways, proches and patios.

[3] The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, exxcept for chimneys, parapets, bell towers and elevator penthouses. In no chase shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the sstructure is located within. This shall not apply to any property located in the RPD district existing at the tim eof adoptio of this land development code. See Sec. 74-83 (a)(3) for special height bonus provisions for RM-10 District.

[4] See Section 74-113

[5] See Sec. 74-83 (a) for additional requirements for RM-10 district.

[6] For impervious surface ratio, see section 74-112,

[7] On waterfront lots, all bildings, including gues cotages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall

[8] All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.02), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § 1, 11-2-93; Ord. No. 363, § 2, 3-19-96;

Attachment No. 3

Section 4. The Land Development Code, Sec. 74-85. Create a new Sec. 74-85 to read as follows:

Sec. 74-85. Special Regulations for Planned Mixed Use (PMU) District.

(a) *Purpose.* The purpose of the Planned Mixed Use (PMU) zoning district is to recognize the need and desirability of combining temporary lodging use with multi-family residential use in a manner that facilitates the redevelopment of the property to include a historic recognition component consistent with and based upon any Special Certificate of Appropriateness approved in accordance with Sec. 74-332 of the Land Development Code,.

In particular, it is the objective of this district to provide an expanded range of uses and flexible standards directed at providing the economic incentives and practical considerations required to foster redevelopment in a manner that gives recognition to the historic tradition of the Belleview Biltmore property.

(b) *Correlation with the Future Land Use Plan.* The PMU Zoning district shall only be eligible for consideration and utilization in conjunction with the Commercial General plan category of the Future Land Use Map.

(c) *Permitted Uses.* Permitted uses in the PMU district include the following:

(1) Temporary Lodging Use, including Hotel/Inn

(2) Multi-family Residential Use, when part of a plan that includes Temporary Lodging Use

(3) Accessory Uses to Temporary Lodging and Residential Use

(4) Nothing in this ordinance shall be interpreted to preclude a permitted temporary lodging use and multi-family residential use from being located either horizontally or vertically in the same or attached structure(s).

(5) Any permitted accessory use to a temporary lodging use shall be accessible to the public for entry/exit only internal to and from within the temporary lodging use itself.

(d) *Density/Intensity Standards.* The maximum permitted density/intensity standards for the PMU district for projects that satisfactorily address the Historic Recognition Component criteria of this ordinance shall be as follows:

(1) Temporary Lodging Use – Forty-two (42) temporary lodging units (tlu) per acre.

(2) Multi-family Residential Use in conjunction with Temporary Lodging Use – Ten (10) dwelling units (du) per acre.

(3) Mixed use projects may combine both Temporary Lodging Use and Multi-family Residential Use based on the maximum density/intensity allowed for each use, calculated on the basis of the proportionate share of the property attributed to each use.

(4) The maximum permitted impervious surface ratio (ISR) for the PMU district shall be sixty (60) percent.

(e) *Minimum District and Unit Size.* Shall be as follows:

(1) The minimum district size for utilization of the PMU district shall be seventeen and one-half (17.5) acres.

(2) The minimum living area of any residential dwelling unit shall be one thousand five hundred (1,500) square feet.

(3) The minimum room size for any temporary lodging unit shall be three hundred (300) square feet.

(f) *Building Setbacks and Separation Distances.* Shall be as follows:

(1) The minimum required setback distance for the portion of any building or structure that does not exceed thirty two (32) feet in height shall be twenty five (25) feet from the edge of pavement/curb for the perimeter roadways.

(2) The minimum required setback distance for the portion of any building or structure that exceeds thirty-two (32) feet in height shall be fifty (50) feet from the adjoining roadway centerline or property line – whichever provides for the greater setback distance.

(3) The minimum separation distance between buildings or structures shall be one-half (0.5) the height of the higher of any two structures and meet the minimum required by the applicable building code requirements.

(g) *Building Height.* Shall be regulated as follows:

(1) The maximum permitted building height shall be as follows, subject to the provisions for height bonus set forth as herein:

a. Temporary Lodging Use – Fifty-six (56) feet

b. Residential Use – Thirty-two (32) feet

(2) Height bonus provisions shall be as follows:

a. The provisions in this section are cumulative and additional height may be authorized on the basis of one or all of these provisions; however, in no event shall the height of any building in the PMU zoning district exceed eighty-eight (88) feet.

b. To be eligible for any height bonus, the average height of all buildings in the development, in proportion to the floor area of the first habitable floor of all buildings in the development, must not exceed fifty-six (56) feet.

c. Should a building take advantage of the parking height bonus identified in this section, the applicable height of the building will be reduced, as it relates to height calculation for average height, by the distance, measured from floor to floor of any designated parking floor, provided that:

1. Seventy-five percent (75%) of parking floor area is dedicated to parking; and

2. The cumulative height of all parking floors above grade in a given building is below twenty percent (20%) of the unadjusted building height.

d. The following four provisions may be used to qualify for a height bonus, either singularly or in combination, consistent with the above stated conditions:

1. Setbacks – The height of a building may be increased by one-half (0.5) foot up to a maximum of one-half of the height permitted as of right for every additional one (1) foot of additional setback above and beyond that which is required based on the average setback for all buildings.

2. Structured Parking – The height of a building may be increased up to a maximum of one-half of the height permitted as of right if fifty percent (50%) or more of the required parking is provided for in a parking structure beneath the building.

3. Impervious Surface – The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the impervious surface ratio for the site is less than fifty percent (50%) of the total site area.

4. Average Height - The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the average height of all buildings on the site, in proportion to the floor area of the first habitable floor of all buildings, does not exceed fifty-six (56) feet.

(h) *Parking.* Parking requirements for the PMU district shall be as follows:

(1) Temporary Lodging Use and uses accessory thereto – One (1) parking space per temporary lodging unit; plus one (1) parking space for each employee anticipated to be on the property at any one time.

(2) Residential Use and uses accessory thereto – Two (2) parking spaces per dwelling unit plus one (1) parking space for every three (3) dwelling units.

(3) All other provisions for parking and loading shall be consistent with Article III, Div. 3, Off Street Parking and Loading.

(i) *Planned Development Flexibility Provisions.* The enumerated standards for district and unit size, and separation distances, setbacks, building height, and parking are as set forth herein, except that the Commission may approve such adjustment to one or more of these

standards under the planned development district process based on the merits of the specific site development plan, consistent with and based upon achieving the objectives of the historic recognition component of this ordinance.

Any such flexible adjustment may only be approved, and will be explicitly determined and set forth, as part of a Development Agreement approved by the Commission pursuant to Sec. 74-86. Development Agreements of the Town Code.

(j) *Historic Recognition Component.* The recognition of historic characteristics embodies a series of factors that reflect the importance of a given structure or property to a community and the larger public interest. These factors may include the nature of the use itself, the unique architectural or structural composition of a building, the historic significance of a site or location, and the economic, social, and cultural importance to a community or region. Each of these factors should be considered in determining the need, value and practicality of recognizing and preserving, replicating, or symbolizing in some form, one or more of these contributing aspects of historic recognition.

This Historic Recognition Component section shall apply only in the event that a Special Certificate of Appropriateness has been approved pursuant to and consistent with the criteria of Sec. 74-332, Historic Preservation of the Land Development Code and the proposed project accompanying the application for the Special Certificate of Appropriateness has submitted application for rezoning to Planned Mixed Use (PMU).

For the purposes of this ordinance and determining the eligibility of a given project to qualify for the combination of use, increased density/intensity, height bonus, and related planned development flexibility provisions set forth herein, the following criteria will be evaluated by the Town as part of its determination to approve a Planned Mixed Use zoning amendment and the corresponding site development plan and Development Agreement.

(1) General Criteria. The factors to be evaluated shall include:

a. Use of the Property. – The proposed Temporary Lodging Use shall provide temporary lodging that is representative of the historic use of the property.

b. Unique Architectural Composition. – The proposed Temporary Lodging Use shall reflect or replicate the character defining features of the exterior architectural style and appearance of the Belleview Biltmore Hotel as shown in Appendix A to a reasonable degree, such that any new building incorporates one or more of the original building's defining architectural features.

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.

c. Site/Location. The project shall honor and reflect the original site through the location, addition, or any new replacement building relative to its positioning, approach and relationship to the site as a whole.

d. Economic Contribution. The proposed project shall provide, to a reasonable degree, an economic contribution that is of benefit to the community that would be otherwise lost if no temporary lodging use was included.

e. Social, Cultural and Community Heritage. The proposed use shall contribute to the historical character, identity and social and cultural heritage of the Town as a whole.

(2) Specific Design Criteria. The design of the temporary lodging use and any accessory use thereto shall replicate the character defining features of the original exterior architectural style of the original Belleview Biltmore Hotel as shown in Appendix A attached hereto and hereby made a part of this Ordinance. The intent of this provision is to include, to the extent practical and consistent with current building code standards, the following design components:

a. Victorian architecture with Queen Anne style ornamentation;

b. Minimum height of three (3) stories and maximum height of four and one-half (4.5) stories; with clear division of stories;

c. Intersection gabled, moderately pitched, roof;

d. Broad verandas at main entrances;

e. Multiple chimneys;

f. Exterior style and character of the architectural treatment; and

g. Use of original construction material[s] indigenous to the area at the end of the 19th century, including those materials that may be salvaged or harvested from the existing building.

Section 5. The Land Development Code, Sec. 74-86. Create a new Sec. 74-86 to read as follows:

Sec. 74-86. Development Agreements

(a) *Purpose.* The purpose of the Development Agreement process is to enable the detailed review of projects to be considered pursuant to the major development provisions of the Town Code in general and the Planned Mixed Use (PMU) zoning district in particular to ensure compliance with the objectives and standards thereof; as well as to comply with the requirements of Section 4.2.7.6 of the Countywide Rules with respect to temporary lodging use standards as may be necessary.

(b) *Submission Requirements.* Application for a Development Agreement shall include the information required for site plan review, any additional information required to determine compliance with or the basis for adjustment of the development standards and historic recognition provisions of this ordinance, and as otherwise determined necessary by the Town based on the specific features of the proposed development project.

(c) *Procedures.* The procedures for consideration and action on a Development Agreement shall, at a minimum, be consistent with and meet the requirements of the Florida Local Government Development Agreement Act (Sec. 163.3220-163.3243, F.S.). In particular, the procedure shall include the following:

(1) Public Hearings. Before entering into, amending, or revoking a Development Agreement, the Town shall conduct at least two public hearings. At the option of the Town Commission, one of the public hearings may be held by the Planning and Zoning Board.

(2) Notice of Intent.

a. Notice of intent to consider a Development Agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in the county. Notice of intent to consider a Development Agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

b. The notice shall specify the location of the land subject to the Development Agreement, the development uses proposed on the property, the proposed densities, intensities and building height, and shall specify a place where a copy of the proposed agreement can be obtained.

(3) Commission Action. Upon conclusion of the second public hearing, the Town Commission shall approve, approve with conditions, or deny the application to enter into a Development Agreement. If the Town Commission proposes a change to the proposed Development Agreement at the second public hearing, the Commission may continue the hearing on a date certain to allow for a written revisions of the proposed Development Agreement to be provided to the Commission for consideration.

(4) Corresponding Relief. The Town Commission, in approving a Development Agreement, is authorized, to grant relief from any provision of the Land Development Regulations that is otherwise authorized to be waived, varied, or granted by the Land Development Regulations, except that no such waiver or variance shall be made to the permitted uses or maximum permitted density and/or intensity standards.

(5) Plan Incorporation. All plans, schematics, and conditions approved by the Town Commission will become part of, or properly identified and referenced in the Development Agreement for the project.

(d) *Content.* At a minimum, a Development Agreement shall include the following:

(1) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;

(2) The duration of the agreement;

(3) The development uses permitted on the land, including densities, intensities and building height;

(4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;

(5) A description of any reservation or dedication of land for public purposes;

(6) A description of all local development permits approved or needed to be approved for the development of the land;

(7) A finding that the development permitted or proposed is consistent with the Town's Comprehensive Plan and Land Development Regulations;

(8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens;

(9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restriction; and

(10) Such additional information or requirements as the Town may determine necessary.

A Development Agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.

(e) *Effect of Subsequent Code Changes.* Upon approval and execution of a Development Agreement, the Town's codes and ordinances governing the development of the land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement. The Town may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the Town has had a public hearing and determined that one or more of the following apply:

(1) They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement;

(2) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;

(3) They are specifically anticipated and provided for in the Development Agreement;

(4) The Town demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development agreement; or

(5) The Development Agreement is based on substantially inaccurate information supplied by the developer.

(f) *Duration, Amendment, Filing.* The following shall govern Development Agreements approved pursuant to the Section:

(1) The duration of a Development Agreement may not exceed 30 years, unless it is extended by mutual consent of the Town Commission and the developer, subject to public hearings as required for the initial approval.

(2) The Town shall review land subject to a Development Agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the agreement. If the Town finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the Development Agreement, the agreement may be revoked or modified by the Town.

(3) A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

(4) Within 14 days after execution of a Development Agreement, the Town shall record the agreement with the Clerk of the Circuit Court. A Development Agreement is not effective until it is properly recorded in the public records of the county. The burdens of the Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successor in interest to the parties to the agreement.

(5) If state or federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties' compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

Section 6. The Land Development Code, Sec. 74-112. Impervious surface coverage, is amended to add the PMU district to subparagraph (e) Table of Impervious Surface Ratios as set forth below:

Attachment No. 3

(e) *Table of impervious surface ratios.* Maximum impervious surface ratios shall be as follows:

Zoning District	*Maximum Impervious Surface Ratio*[1]
RE, R-1 and R-2 (residential districts)	60 percent
RM-10 and RM-15 (multifamily districts)	60 percent
RPD (planned residential district)	60 percent
H (hotel district)	70 percent
PMU (planned mixed use)	60 percent
C-1 and C-2 (office and retail districts)	75 percent
C-3 and C-4 (retail and product distribution districts)	75 percent
C-5 (storage district)	75 percent
GC	As approved under site plan review
P: Institutional uses Transportation uses	 85 percent 90 percent
SPM	75 percent

[1] The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to article II of this chapter.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 8. The effective date of this ordinance shall be the date the final ordinance is read and approved by the Town Commission as provided by law.

PASSED ON FIRST READING: May 20, 2014

PASSED ON SECOND AND FINAL READING: June 17, 2014

Mayor

ATTEST:

Town Clerk

Summary

To: Planning and Zoning Board
From: Micah Maxwell
Date: 10/6/2014

Subject:

Consideration a development agreement for the Belleview Biltmore Hotel site.

Summary:
The owner of the Belleview Biltmore Hotel has submitted a development agreement related to the development plan for the Belleview Biltmore Hotel site through a proxy (JMC Communities)

Previous Commission Action: None

Background/Problem Discussion: See staff report pages 12.

Financial Implications: N/A

Recommendation:
See staff report

Proposed Motion
1**.** I move that the Planning and Zoning Board recommend to the Town Commission include (insert) in the development agreement for the Belleview Biltmore Hotel site.

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

Town of Belleair Staff Report

Prepared For: Belleair Planning and Zoning Board
And
Belleair Town Commission

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

Date: September 30, 2014

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

BELLEVIEW BILTMORE HOTEL

APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

Town of Belleair Staff Report

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

Belleair Planning and Zoning Board
Bonnie-Sue Brandvik, Chairman
Gloria Burton, Vice Chairman
Allen Acken, Member
Rogers Hayden, Member
Peter Marich, Member
James Millspaugh, Member
Randy Ware, Member

Stephen Fowler, Commissioner Advisor

Micah Maxwell, ICMA - CM
Town Manager

David Ottinger, Esq.
Town Attorney

BELLEVIEW BILTMORE HOTEL
APPLICATION FOR REZONING, MASTER PLAN, PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT APPROVAL

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INTRODUCTION

Background

This staff report identifies and examines a series of applications filed on behalf of JMC Communities, Inc., the contract purchaser for the Belleview Biltmore Hotel property owned by BB Hotel, LLC., by their representative, E. D. Armstrong, Esq.

The applications, filed in concert with the application for Special Certificate of Appropriateness for Demolition of the Hotel, include a request for a zoning map amendment, and corresponding approval of a master plan, preliminary development plan and development agreement.

The Applications

An overview of each application is outlined below.

Zoning Map Amendment - The application for amendment of the Zoning Map proposes to amend the current Hotel (H) district that applies to the 17.7 acre hotel property to Planned Mixed Use (PMU).

The Planned Mixed Use district allows for temporary lodging and uses accessory thereto, as well as residential use when done in conjunction with temporary lodging use. The PMU district requires an accompanying development plan as a function of the planned development process that identifies specifically what is proposed to be built on the site.

Master Plan - The Land Development Code, Sec. 66-172 (e), requires that a major site development plan that is proposed to be developed in phases provide a "Master Plan" to be considered with the initial preliminary development plan. The proposed project is considered a major development based on several factors, including the size of the property, the request for rezoning, and the number of residential dwelling units.

Preliminary Development Plan - The process and requirements for a preliminary development plan submitted in conjunction with a request for zoning amendment is set forth in Sec. 66-164 (b) of the Code. The application proposes to develop the site with a combination of 104 multi-family residential units in four buildings, 28 attached townhouse units, and a 33 room Inn providing temporary lodging units and related guest services.

While the Master Plan is proposed to be developed in phases, the submission includes a preliminary development plan that addresses all eight identified phases of the project.

Development Agreement - The applicants have submitted and propose to execute a Development Agreement pursuant to the Florida Local Government Agreement Act, Sec. 163-3220 - 163.3243, F.S.

The purpose of the Development Agreement is to memorialize and establish a commitment to the specific development details and respective responsibilities of the applicant and the Town.

Summary - Each of these separate components of the application are examined in detail in the following sections of this report.

ZONING MAP AMENDMENT

The application for amendment of the zoning map from Hotel (H) to Planned Mixed Use (PMU) is governed by several sections of the Town Land Development Code, including Sec. 66-311 through 66-318 and Sec. 74-62, zoning amendments generally; Sec. 66-164 (b), review of preliminary development plans that include amendment of the zoning map; and Sec. 66-10 and Sec. 74-82, 84, 85, 86 and 112,as amended by Ordinance No. 497, relating to the zoning district standards for the PMU district specifically.

As noted above, because the application for rezoning to PMU is for a planned development district, the master plan and preliminary development plan are component parts of the rezoning application and are inextricably connected. Thus review and action on the rezoning request includes two major components as follows:

1. The overall criteria for rezoning as set forth in the Code for any rezoning request , and in this case, one accompanied by a preliminary development plan; and

2. The specific evaluation of the site development plan in relationship to the purpose and standards of the PMU district.

The first of these two components is examined below; the second is addressed under the section of this report dealing with the Master Plan and Preliminary Development Plan.

Criteria for Zoning Map Amendments

The process for considering an amendment to the Town Zoning Map includes the requirement for legislative hearing and recommendation by the Planning and Zoning Board to the Town Commission, hearing and recommendation by the Local Planning Agency, and legislative hearing and action by the Town Commission.

The factors identified in Sec. 66-316 of the Code to be considered include consistency with the Comprehensive Plan and applicable provisions of the Code, other factual or policy considerations applicable to the request, and written comments from the Town Manager.

Consistency With the Comprehensive Plan - The application includes a detailed enumeration and assessment of the provisions in the Comprehensive Plan that bear on the application. See pp. 2-17 of the "Rezoning Application, Compliance Submittal, August 20, 2014." The relevant Goals, Objectives and Policies of the Comprehensive Plan that are cited include the following:

1. **<u>Future Land Use Element:</u>**

- Goal 1, Objective 1.1, Policies 1.1.2, 1.1.4, and 1.1.5
  Objective 1.3, Policies 1.3.1, 1.3.3, 1.3.4. and 1.3.7

  The application responds to these provisions by noting the proposed zoning district is consistent with the current Commercial General Future Land Use Plan category, the Countywide Rules for both temporary lodging and residential use and density, and the adjoining residential and recreational area. It further asserts that its consistency with the specific goal of supporting the preservation of the Belleview Biltmore Hotel is being addressed through the parallel consideration of the Special Certificate of Appropriateness and will be further addressed through the Historic Recognition Component of the PMU zoning district.

2. **<u>Transportation Element:</u>**

- Goal, Objective 1.1, Policies 1.1.1, and 1.1.2, and
  Objective 1.3, Policy 1.3.1

  The application responds to these transportation and mobility provisions of the Comprehensive Plan by noting that it comports with the adopted levels of service standards for the Town - the only exception being the LOS on Ft. Harrison Ave. where the projected impact is deminimus. The application further asserts there will be a reduction in the projected traffic volume for the proposed project based on numbers attributed to the previous hotel use. It also addresses access, parking, circulation and pedestrian design features of the Preliminary Development Plan in support of its consistency with the objectives of the Comprehensive Plan.

3. **<u>Infrastructure Element:</u>**

- Goal 1, Objective 1.1, Policy 1.1.1
- Goal 2, Objective 2.1, Policy 2.1.2
- Goal 3, Objective 3.1, Policies 3.1.1, 3.1.2, 3.1.3, and 3.1.4

  The application responds to the Comprehensive Plan provisions for addressing water, sewer, solid waste and stormwater impacts by projecting the demands of the proposed project in relationship to existing capacity. It asserts that the Town's water system has adequate capacity, and that sanitary sewer service is provided by Pinellas County who indicates it has sufficient capacity at the Southcross Bayou Wastewater Treatment Plant to serve the project. Solid waste is disposed of at the County solid waste plant and landfill and Pinellas County has confirmed it has the capacity to serve the project. Stormwater management has been reviewed by the Town's consultant, determined to meet the Town's requirements based on the Preliminary Development Plan and will be subject to SWFWMD permitting and approval of final construction plans.

4. **Recreation and Open Space Element:**

- Goal, Objective 1.1, Policy 1.1.1
  The application documents the current recreation/open space acreage in relationship to the Comprehensive Plan standard of 5 acres per 1,000 persons, and indicates that the additional acreage requirements based on the estimated population of the proposed project will continue to be consistent with the Town's level of service standard.

5. **Capital Improvement Element:**

- Goal, Objective 1.5, Policies 1.5.1, 1.5.2, 1.5.4, 1.5.7 and 1.5.8
  The application evaluates the projected impact of the proposed development plan in relationship to the concurrency management standards of the Comprehensive Plan for sanitary sewer, solid waste, drainage, potable water, recreation and open space, and public schools. It concludes that "no new facilities or expansions to existing facilities are required as a result of the proposed rezoning"; and that "the adopted LOS for all public utilities and services will continue to be met by the project and all public facilities and services will be available concurrent with the development of the proposed rezoning site."

Compliance With the Land Development Code - The application indicates the request for rezoning will comply with the applicable provisions of the Code, including those sections of Chapter 74 dealing with Development Design and Improvement Standards (Article III), Accessory Structures and Uses (Article IV), Overlay and Floating Zones including Historic Preservation (Article V), Resource Protection Standards (Article VI) and Signs (Article IX).

A principal requirement for compliance with the Code is the manner in which the Preliminary Development Plan relates to the specific standards of the PMU zoning district. These requirements will be enumerated and evaluated in the section of this report dealing with the Preliminary Development Plan.

Additional Considerations Applicable to the Application - In addition to the criteria noted above, because this amendment is a planned development district that is based on an accompanying preliminary development plan, the provisions of Sec. 66-164 (b) also apply and have been addressed in the application on pp. 23-26 and attachments 4-1 through 4-6.

This information details the proposed nature of the project, its land use composition and density, the relationship to and compatibility with surrounding uses, the basis on which the concurrency management provisions of the Code are met, and the manner in which the proposed zoning district recognizes the existing development pattern, natural features, and infrastructure.

Summary

The application has addressed and responded to the required criteria related to consistency with the Comprehensive Plan, conformity with the Land Development Code, and the particulars of the proposed development in relationship to the site, adjoining uses and interests, and the

ability to maintain the Town's concurrency management standards for the enumerated infrastructure facilities.

The information and analysis presented in the application is complete, relevant, and provides reasonable documentation that the request for rezoning from the Hotel (H) district to the Planned Mixed Use (PMU) district is consistent with and meets the Town Plan and Code requirements for the requested zoning map amendment.

MASTER PLAN AND PRELIMINARY DEVELOPMENT PLAN

As described in the previous section, the application for zoning map amendment to Planned Mixed Use (PMU) requires, and shall be considered in part based on the merits of, the accompanying site development plan. This section of the report addresses the Master Plan and Preliminary Development Plan submitted in conjunction with the rezoning request.

Master Plan

The Land Development Code requires a major development, which is proposed to be developed in phases, to submit a Master Plan that illustrates the overall plan for development, as well as the delineation, composition, and schedule of the proposed phases of the project.

The submitted Master Plan describes the design concept, the three main components of which include four mid-rise condominium buildings providing for a total of 104 dwelling units, twenty-eight townhouse units and a thirty-three room Inn - each with a distinctive architectural style. The site includes a central event lawn and swimming pool near the Inn, and pedestrian walkways around the perimeter and interconnecting the internal portions of the site.

The Master Plan (Sheet 2-A) of the application submission package includes the following Phasing Data Information and Master Plan Phasing Schedule.

"Phasing Data Information"

PARCEL NO.	AREA IN ACRES	UNITS	DENSITY UNITS PER ACRE	TYPES	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

"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); the 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.*

The "Phasing and Data Information" does not include the entire acreage of the site, which should be added in order that the average densities of the respective components of the project are accurately reflected.

Secondly, and of greater importance, the "Master Plan Phasing Schedule" proposed by the application as set forth above is unclear and inconsistent - in particular item 2 which lists Phase 2 twice and fails to include Phase 8, or the roadway and stormwater improvement areas, and the potential conflict between the wording of items 2 and 5. Further, it would appear to be inconsistent with the purpose and provisions of the PMU district unless the Inn and temporary lodging use it represents is required to be built in an earlier phase than is provided for.

Additionally, the second sentence of item 4 should be revised to indicate that the phase deadlines shall start upon approval of the final site plan as opposed to the list of individual actions which must precede approval of the final site plan. The reference to the rescission of the existing code enforcement order should be deleted from the phasing schedule.

Preliminary Development Plan

The Preliminary Development Plan is represented by the applicant's multiple, full-size plan sheet submission (Sheets 1 - LA4) identifying the Master Plan, existing conditions, demolition, site, paving, grading and drainage, utilities, tree inventory, signage, lighting and landscape plans and the accompanying narrative on pp. 2-6 of the "Master Plan/Preliminary Development Plan Completeness Submittal, August 20, 2014". As referenced previously, the Preliminary Development Plan addresses all eight phases of the proposed project.

Project Composition - The project consists of the following principal components:

- A thirty-three room Inn at the focal point of the main project entrance, the architectural design of which references the style of the Belleview Biltmore Hotel. The Inn includes an event lawn and swimming pool amenities and provides for the parking associated with the Inn.

  The Inn will include limited accessory uses, including the display of artifacts retrieved from the Belleview Biltmore Hotel in the public areas of the Inn.

  The Inn is proposed to be located on 1.31 acres of the site which yields a density of 25.2 units per acre - below the permitted maximum of 42 per acre allowed under the PMU zoning district. The building will be four stories or approximately 56 feet in height.

- Four condominium buildings with a total of 104 units are proposed to consist of two levels of parking and six living levels, positioned on the perimeter of the loop street that encompasses the site. The buildings are interconnected with an internal walkway system that connects the four buildings, the Inn, and open space between them.

  Each of the four multi-family condominium buildings will include 26 residential units for a total of 104 units, which when combined with the 28 townhouse units on the 16.3687 acres attributable to residential use yields a density of 8.1 units per acre as compared to the maximum of 10 units per acre permitted by the PMU zoning district.

  The height of the four multi-family buildings will be approximately 86 feet, based on the height bonus formula in the PMU district and below the permitted maximum 88 feet.

  The building height bonus for which the project qualifies is computed based on the provisions of Sec. 74-85 (g) that allow for additional height above the standard 32 feet in consideration for additional building setback, provision of structured parking, reduced impervious surface coverage, and limitation on average height of all buildings - with a specific formula for determining how each of the four bonus factors are measured.

- Twenty-eight townhouse units are clustered in the eastern side of the site between the two legs of Belleview Boulevard. Each cluster contains between three and five dwelling units with two-car garages accessed from rear entry drives.

  Both the 104 multi-family units and the 28 townhouse units are proposed to be sold in a condominium form of ownership.

Project-Specific Design Details - In addition to meeting the requirements of the PMU district with respect to the type and density of use, the district requires compliance with a series of specific design details that are summarized in Table 6 of the application document, entitled "Master Plan / Preliminary Development Plan, Completeness Submittal, August 20, 2014", which table is included as Attachment 2 to this report.

This table identifies the preliminary development plans compliance with the specific standards of the PMU district, including minimum parcel size, minimum unit size for each the temporary lodging and dwelling units, setback and separation distance, impervious surface ratio, building height (including the computation of the applicable height bonus) and parking. The proposed measures designed to address the historic recognition component are also identified, but will be more completely explained below.

Staff has reviewed the specific numerical standards applicable to the Preliminary Development Plan as represented in Table 6 in Attachment 2 to this report and determined that they are accurate and in compliance with the provisions of the PMU district.

Other Plan Considerations - The plan that has been submitted includes provisions that address access and circulation, parking, stormwater management, environmentally sensitive lands, and the historic recognition component of the PMU district.

Access and circulation is provided by Belleview Boulevard, a private road with an access easement that provides legal access to the site and to the existing uses to which the easement applies and connects to Belleview Road east of the bridge. Country Club Lane within the site also provides an existing access easement and will be maintained between portions of the townhouse complex.

Sec. 74-155 (1) of the Code requires two access points to a public right-of-way for residential projects in excess of 75 units. The applicants have requested approval of the existing single point of access based on the provisions of the Code [Sec. 74-155 (3)] which allow for "alternative designs" upon approval by the Town Commission in conjunction with the approval of a development plan where the natural features, previous development pattern and provisions for access create a situation in which two access points are physically or legally infeasible.

Parking has been provided for each component of the project in compliance with the parking requirements of the PMU district.

Stormwater management has been designed to be accommodated in three retention ponds identified on the proposed plan, which has been reviewed for preliminary compliance with Town standards, and will require final plans to be processed in accord with Town and SWFWMD requirements.

Sec. 74-411 - 415 of the Code address environmentally sensitive lands. The application indicates that the restricted development zone of off-site features extends into the site and that the project will comply with the standards in Sec. 74-414 for these areas.

The historic recognition component of the PMU zoning district is an important and integral part of determining the sufficiency of the Preliminary Development Plan. The application addresses this issue on pp. 15-16 of the referenced application. The key components of the applicants' response to this requirement are as follows:

- Design of the Inn is proposed to be a style reminiscent of the Hotel by employing "Shingle Style" and "Queen Anne" character defining features, including moderately pitched gable roof with patterned shingles, front and rear porches with spindle

ornamentation, gable dormer windows, multi-pane above single-pane windows and multiple chimneys.

- Re-use of materials from the Hotel in the Inn, including wood flooring, leaded glass windows from the Tiffany Ballroom, specialty interior doors and trim, and bricks to be used in the chimneys and sidewalks.
- Siting of the Inn in a prominent location at the terminus of the newly landscaped entryway to the project and the dedication of public spaces on the first floor, including a pub, ice cream parlor and interpretive center/meeting room to display artifacts and memorabilia from the Hotel.
- Documentation of the Hotel in a manner acceptable to the State Division of Historic Resources (DHR), and a mitigation agreement between DHR and the developer on other provisions for the salvage of historic materials not used in the Inn.

Summary

Based on the application materials submitted in support of the request for approval of the Master Plan and Preliminary Development Plan, staff finds the application to be complete and to address in a sufficient and consistent manner, the applicable standards and requirements of the PMU zoning district; subject, of course, to such additional information as may be gleaned from the public hearing process and the legislative prerogative of the Planning and Zoning Board in formulating their recommendation, and of the Town Commission in determining the appropriate course of action.

DEVELOPMENT AGREEMENT

As referenced previously in the Introduction, the application package submitted on behalf of JMC Communities, Inc. includes a draft Development Agreement prepared consistent with the provisions of State law and pursuant to the Town Code.

The Development Agreement recites the basis for providing for such an agreement, the property to which it applies, the particulars of the project that is proposed to be approved, the process for recording the agreement, its duration, and the respective obligations of the developer and the Town.

The purpose of the Development Agreement is to identify specifically the terms and conditions of the proposed project, provide a process to administer the agreement, and bind both parties to its provisions in order that there be no misunderstanding about what is proposed to be developed.

The form and content of the draft Development Agreement are satisfactory, subject to the incorporation of the final details of the Zoning Map amendment, Master Plan and Preliminary Development Plan as they may be ultimately approved, and such additional stipulations, as may be required, in particular as regards coordination of responsibilities with the adjoining RPD, by the Town Commission.

CONCLUSION AND RECOMMENDATION

Conclusion

Based on the information and substantive documentation submitted in the applications for amendment of the Zoning Map from Hotel (H) to Planned Mixed Use (PMU), and corresponding approval of the Master Plan, Preliminary Development Plan and Development Agreement, the review and analysis of these materials by staff, and subject to such additional pertinent and factual information as may be established in the course of the legislative public hearing process, staff finds as follows:

1. With respect to the application for Zoning Map amendment approval, the application is:

    a. Consistent with the goals, objectives and policies of the Comprehensive Plan;

    b. Compliant with the applicable provisions of the Land Development Code for the PMU district; and

    c. Comports with the related provisions of the Code addressing compatibility with the site, adjoining use and the maintenance of required levels of service standards for concurrency management.

2. With respect to the application for Master Plan approval, the application is:

    a. Consistent with the requirements for a master plan for a major development project - with the exception of the Master Plan Phasing Schedule which should be revised as previously noted under Master Plan on page 9 of this report, in particular to require the construction of the Inn prior to the initiation of Phases 3, 4, 5, and 6, or such other schedule as the Town Commission determines appropriate.

3. With respect to the application for Preliminary Development Plan approval, the application is:

    a. Consistent with the submission requirements for a preliminary development plan;

    b. Consistent with the intent, permitted uses and maximum density of the PMU district;

    c. Consistent with the specific site plan requirements for parcel size, unit size, setback and separation distances, impervious surface coverage, building height and parking as set forth in the PMU district;

    d. Consistent with the other plan requirements for access and circulation, stormwater management, and environmentally sensitive lands - with the exception of the need for approval for an "alternate design" for the single point of access as determined appropriate by the Town Commission pursuant to Sec. 74-155 (3); and

e. Consistent with the historic recognition component requirements of the PMU district - subject to the additional specificity for documentation of the historic significance of the Hotel and the proposed mitigation agreement with the State Division of Historic Resources as determined to be appropriate by the Town Commission.

4. With respect to the application for Development Agreement approval, the application is:

    a. Consistent with the form and content required by State law and the Town Code;

    b. Consistent with the foregoing applications for Zoning Map amendment, Master Plan and Preliminary Development Plan approval - subject to such changes or additions as may be required based on their disposition by the Town Commission, including such provisions as may be required of the applicants project to participate with the adjoining RPD in support of their respective and proportionate responsibilities for shared or common infrastructure.

Recommendation

Based on the above findings, and subject to such additional information as may be established through the public hearing process and the input and revisions determined to be necessary and appropriate based on this legislative process, staff recommends the Planning and Zoning Board recommend, and the Town Commission take action, as follows:

1. Approve the Zoning Map amendment from Hotel (H) to Planned Mixed Use (PMU);
2. Approve the Master Plan, subject to revision of the phasing schedule as suggested above or otherwise determined appropriate by the Town Commission;
3. Approve the Preliminary Development Plan, subject to the noted provisions for approval of a single point of access and agreement with the Division of Historic Resources, as determined appropriate by the Town Commission; and
4. Approve the Development Agreement, as it may be completed and revised to reflect the approved Zoning Map amendment, Master Plan and Preliminary Development Plan, and as suggested above with respect to coordination with the RPD, to the satisfaction of the Town Commission.

ATTACHMENTS

Attachment No. 1	Master Plan, Preliminary Development Plan and Elevations from the Application
Attachment No. 2	Application Table 6 Re: Compliance with the Planned Mixed Use Zoning District
Attachment No. 3	Town Ordinance 497 - Establishing the Planned Mixed Use Zoning District

Attachment No. 1

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.

DATE 2014-51
DR 310
DATE 6-16-2014
DESIGN RAH
DRAWN RAH
CHK PBS
SP RM
06-14-2014 REVISED NOTE 4
REV DATE

DESIGNED FOR JMC COMMUNITIES
PROJECT NAME JMC COMMUNITIES
SHEET NAME MASTER PLAN

FLORIDA DESIGN CONSULTANTS, INC.
— THINK IT. ACHIEVE IT. —
5555 STARKEY BOULEVARD, NEW PORT RICHEY, FLORIDA 34655
PHONE (727) 847 1487 FAX (727) 847 3486 WWW.FLDESIGN.COM C.A. NO. 7451

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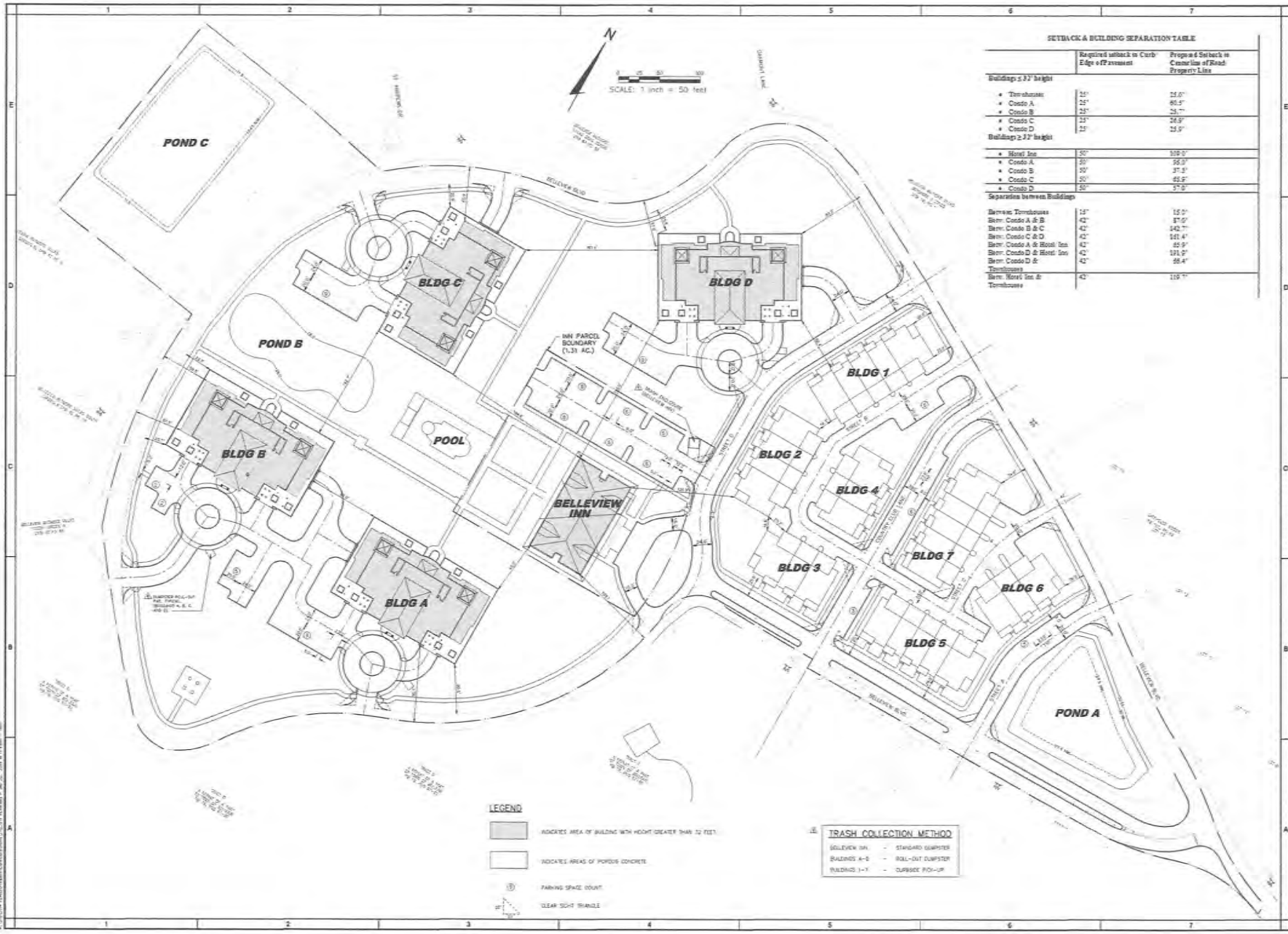

SETBACK & BUILDING SEPARATION TABLE

	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

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Santiesteban
& Associates
ARCHITECTS

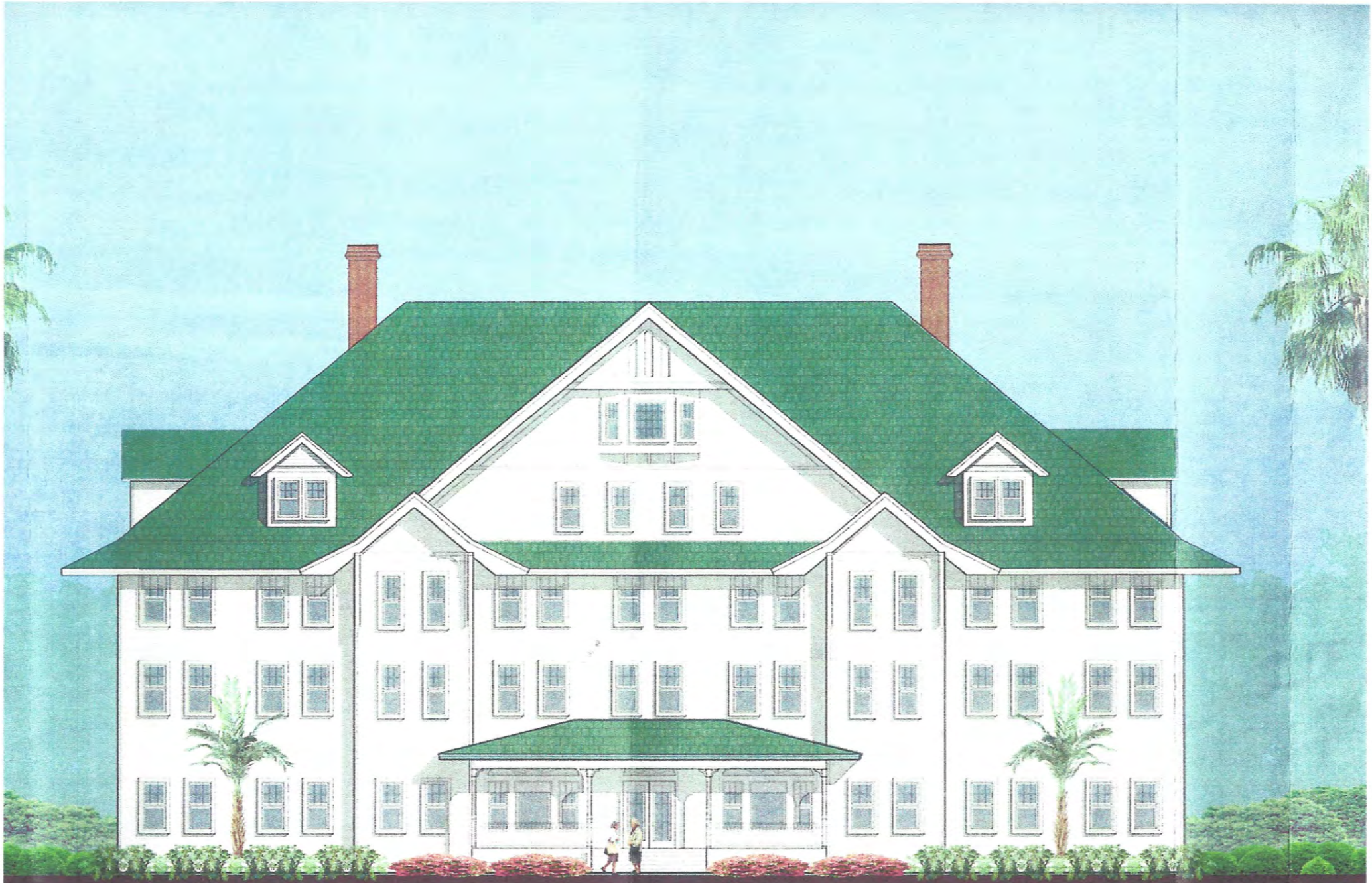
BELLEVIEW

MID-RISE BUILDINGS

Belleview Townhomes

Belleair, Florida

BSB DESIGN



THE BELLEVIEW INN

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COMPLIANCE WITH THE PMU ZONING DISTRICT

On June 17, 2014, The Town of Belleair adopted a new zoning district entitled the Planned Mixed Use (PMU) District which is the zoning district requested in this application. The new PMU district has been incorporated into the Town's *Land Development Code* as Section 74-85 and the project's compliance with the district's provisions is outlined in **Table 6** below.

Table 6
JMC Communities Site's Compliance with PMU District

PMU Requirement	Project's Compliance
74-85(a) Purpose	Project proposes temporary lodging use and multifamily residential with a historic recognition component.
74-85(b) Correlation with Future Land Use Plan: Site must be designated CG on Plan	Site is designated as CG on Plan
74-85(c) Permitted Uses: Hotel/ Inn, Multifamily Residential when project includes Hotel/ Inn, Accessory uses	Proposed Uses: 33 room Inn, 104 midrise Condominiums, 28 Townhouses and Accessory uses
74-85(d) Density/Intensity Hotel/ Inn: 42 units/ acre Multifamily: 10 units/ acre	Project proposes maximum of 33 rooms (25.2 units/ acre) and 132 residential units (8.1 units/ acre)
74-85(e) Minimum District Size: 17.5 acres **Minimum Unit Size**: 300 sf for Hotel/ Inn and 1,500 sf for Multifamily	Proposed PMU district = 17.6787 acres Inn Site = 1.31 acres Residential Site = 16.3687 acres <u>Minimum unit sizes:</u> Inn: 400 sf – 1,327 sf per room Condo: 1,716 sf – 3,298 sf per unit Townhouses: 2,165 sf – 3,245 sf per unit
74-85(f) Setbacks & Separation: Buildings ≤32' height: 25' setback to edge of pavement of perimeter roads	<u>Proposed Setbacks & Separations</u> Townhouses Setbacks: 25' Condominiums Setbacks: • Bldg A: 60.5' • Bldg B: 25.7' • Bldg C: 26.9' • Bldg D: 25.9'

Buildings ≥32' height: 50' setback to centerline or property line Separation between Buildings: ½ height of taller building	Condominiums Setbacks: • Bldg A: 95' • Bldg B: 57.5' • Bldg C: 65.9' • Bldg D: 57' Inn Setback: 109' <u>44' separation required for</u>: Between Bldgs A & B: 87' Between Bldgs B & C: 142.7' Between Bldgs C & D: 161.4' Between Bldg A & Inn: 65.9' Between Bldg D & Inn: 191.9' Between Bldg D & Townhouses: 66.4' Between Inn & Townhouses: 119.7' <u>15' separation required for:</u> Between Townhouses: 15'
74-85(g) Building Height Hotel/ Inn: 56' Residential Use: 32' <u>Height Bonus Provisions</u>: • Maximum Height of 88' • Up to 16' bonus if 1' addl. Setback provided over the average setback for all buildings • 16' bonus if 50% of required parking in parking structure • 16' bonus if ISR is less than 50% • 16' bonus if average height of all buildings is 56' or less	<u>Proposed Heights</u> Inn: 53.17' Condominiums: 85.33' Townhouses: 32' <u>Proposed Height Bonus for Condominium</u>: • Maximum proposed height of 85.33' • 26.88' addl. Setback over the Average setback, 13' maximum addl. height bonus • 85% of parking is within parking structure • Proposed ISR = 49.04 % • Average Height = 51.59' Based on compliance with all four bonus provisions, condominiums eligible for proposed height of 88'. No height bonus requested for Townhouses or Inn.

74-85(h) Parking Hotel/ Inn: 1 space per unit + 1 space for each employee	**Required Parking** 33 Rooms + 6 employees 33 room spaces +6 empl. spaces 39 Total spaces	**Provided Parking** 39 Total spaces
Residential (Condominiums & Townhouses): 2 spaces/ unit + 1 space/ 3 units for visitors	104 Condos units: 208 owner spaces + 35 visitor spaces 243 Total spaces	208 Garage spaces + 36 visitor at-grade spaces 244 Total Spaces
	28 Townhouse units 56 owner spaces + 10 visitor spaces 66 Total spaces	56 Garage spaces +20 visitor spaces 76 Total Spaces
74-85(i) Flexibility Provisions	No flexibility is requested from the PMU district (other than the Height Bonus for Condominium Buildings)	
74-85 (j) Historic Recognition Component (See Detailed Analysis in Site Plan Narrative) General Criteria • Use of Property • Unique Architectural Composition • Site/ Location • Economic Contribution	• Inn's design is representative of the historic use. • Design includes character defining features: gabled roof design, fenestration pattern & style, verandahs at front & rear, multiple chimneys, siding and roof materials. • Building prominently sited, central to site with elegant entrance. • Inn will create construction & permanent jobs, ad valorem taxes, utility & franchise fees, and new sales taxes and new room taxes.	

• Social, Cultural and Community Heritage	• Inn will include historic displays and artifacts about the Hotel in an Interpretive Center and Inn will serve as community gathering place • Developer will re-use materials from Hotel including wood floors, leaded glass windows, specialty interior doors and trim, and bricks
<u>Specific Design Criteria</u> • Use of Design Components	• Architecture employs elements of Queen Anne & Shingle styles • Height of 4 stories with clear division of floors • Intersection gabled moderately pitched roof • Broad verandahs at front and rear entrances • Multiple Chimneys • Style and Character reflects historic style of existing hotel • Prepare Documentation of Hotel including measured drawings, photographs & history • Prepare inventory of artifacts, photographs and memorabilia extant in Hotel and re-use as many as possible in the Inn • Develop agreement with the Town to preserve the artifacts, photographs and memorabilia not re-used in the Inn • Construct & design St. Andrew's Pub and Maisie's Ice Cream Parlor within the Inn in a manner reminiscent of their design in the Hotel

Attachment No. 3

ORDINANCE NO. 497

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFOR INCLUDING SECTIONS 66-10, 74-82, 74-84, 74-85, 74-86, 74-112; PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR A NEW ZONING DISTRICT ENTITLED "PLANNED MIXED USE" (PMU); PROVIDING FOR THE PERMITTED USES AND STANDARDS APPLICABLE THERETO, INCLUDING DENSITY/INTENSITY, BUILDING SETBACKS, BUILDING HEIGHT AND A HEIGHT BONUS FORMULA; PROVIDING FOR FLEXIBILITY PURSUANT TO THE PLANNED DEVELOPMENT PROCESS; PROVIDING FOR A HISTORIC RECOGNITION COMPONENT; PROVIDING FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code in order to reflect changed conditions and current needs in the Town; and

WHEREAS, the Town Commission over an extended period of time has reviewed and determined it necessary and prudent to update and revise, the Land Development Code as set forth in the Ordinance; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board as well as relevant public comment and testimony; and

WHEREAS, the Town Commission desires to amend the Land Development Code to establish a new planned mixed use zoning district that provides for a combination of temporary lodging and residential use designed to recognize an important historic resource in the Town; and

WHEREAS, the Town Commission finds it necessary and beneficial to establish provision for Development Agreements consistent with the Florida Local Government Development Agreement Act.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

Section 1. The Land Development Code, Sec. 66-10 Definitions, is amended to delete the definition of "Hotel" and add the following terms and definitions in their appropriate alphabetical order:

Historic Recognition Component – shall mean a project that includes a component part that both symbolizes and is directed at recognizing the historic value and importance of the Belleview Biltmore Hotel to the Town's cultural, social, economic, political and architectural heritage based on an affirmative determination pursuant to the criteria for such determination set forth in Sec. 74-85(j) of this code.

Hotel/Inn – A temporary lodging use providing individual sleeping rooms for overnight guests for temporary occupancy and such accessory uses as dining, meeting, recreational, sundry and like facilities normally attendant to and in proportion to the number of temporary lodging units available. All ingress and egress to and from the individual units in the temporary lodging use shall be internal to and from within the main structure. The building or group of buildings comprising the hotel/inn shall have a lobby and an office staffed and operated by personnel of the temporary lodging use to serve the guests occupying and utilizing the hotel/inn and accessory facilities.

Temporary Lodging Use – A facility containing one or more temporary lodging units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one(1) month, more than three (3) time in any consecutive twelve (12) month period, including a hotel/inn. A temporary lodging use does not include a residential dwelling, group home, boarding house or residential equivalent use.

Temporary Lodging Unit – An individual room, rooms or suite within a temporary lodging use designed to be occupied as a single unit for temporary occupancy.

Section 2. The Land Development Code, Sec. 74-82. Schedule of district regulations, is amended to insert the Planned Mixed Use (PMU) district in the table as set forth below:

Attachment No. 3

District	*Purpose*	*Permitted Use*	*Accessory Structures and Accessory Uses*
RM-10, multifamily residential	This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas where it is likely and desirable to provide for such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(a))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RM-15, multifamily residential	This district is composed of medium-density multiple-family residential areas with additional open areas where it is likely and desirable to extend such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(b))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
RPD, residential planned development	This district allows variable-density areas with supporting service facilities	Planned unit development Single-family dwellings Multiple-family dwellings (See section 74-83(c))	Private garages and carports Private swimming pools, hot tubs and cabanas Fences and fence walls Parks Utility service structures Golf courses, provided that the clubhouse is located over 300 feet from any dwelling Recreational facilities and structures Marinas
H, hotel	This district is intended to provide transient residential accommodations compatible with medium-density multifamily residential development.	Hotel/inns and uses permitted in the RE district (See section 74-83(d))	Guest cottages Private swimming pools, hot tubs and cabanas Servant's quarters Spas Tennis courts Fences and fence walls Playgrounds, public parks and recreation areas Public rooms for eating and drinking within the primary hotel structure Shops and offices authorized in the C-1 district and within the primary hotel structure Utility service structures
PMU, planned mixed use	This district provides for temporary lodging and multifamily residential use with the objective of facilitating the redevelopment of the property inclusive of a historic recognition component.	Temporary Lodging use, including Hotel/Inn, and Multifamily Residential, when done in conjunction with Temporary Lodging Use (See section 74-85)	Uses accessory to Residential Use enumerated for the other Residential categories; and uses accessory to Temporary Lodging Uses, including dining, meeting, recreation, sundry and like facilities common to a Hotel/Inn

Note: All other parts of this table in Sec. 74-82, including the footnotes thereto, other than as noted above in red and underlined remain as previously set forth.

3

Attachment No. 3

Section 3. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to insert the PMU district in the table as set forth below:

Attachment No. 3

The schedule of dimensional regulations for he various zoning districts is as follows:

	Lot Minimums				*Miminum Yard Setbacks*								
District	*Area (Square Feet)*	*Width (feet)*	*Depth (feet)*	*Density Maximum Dwelling Units peracre*	*Front (feet)*	*Side (feet)*	*Rear (feet)*	*Minimum Offstreet Parking per Dwelling Unit*[1]	*Offstreet Dwelling*	*Maximum Height*[3] *(feet)*	*Flood Zone*	*Minimum Living Area per Unit*[2] *(square feet)*	*Floor Area Ratio (FAR)*
RM-10[5]	5 acres	---	---	10	25	15[4]	25	1.5		32	34	1,500	---
RM-15	10,000	100	100	15	25	7.5[4]	15	1.5		32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)			1		32	---	1,200	---
H	17.5 acres	---	---	28	(See section 74-83)			1		32	34	300	0.4
PMU	17.5 acres		See Sec, 74-85 for standards applicable to the Planned Mixed Use (PMU) District										

Note: All other parts of this table in Sec. 74-84 other than as noted above in red and underlined are as previously set forth.

[1] See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

[2] Exclusive of garages, breezeways, proches and patios.

[3] The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, exxcept for chimneys, parapets, bell towers and elevator penthouses. In no chase shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the sstructure is located within. This shall not apply to any property located in the RPD district existing at the tim eof adoptio of this land development code. See Sec. 74-83 (a)(3) for special height bonus provisions for RM-10 District.

[4] See Section 74-113

[5] See Sec. 74-83 (a) for additional requirements for RM-10 district.

[6] For impervious surface ratio, see section 74-112,

[7] On waterfront lots, all bildings, including gues cotages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall

[8] All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.02), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § 1, 11-2-93; Ord. No. 363, § 2, 3-19-96;

Attachment No. 3

Section 4. The Land Development Code, Sec. 74-85. Create a new Sec. 74-85 to read as follows:

Sec. 74-85. Special Regulations for Planned Mixed Use (PMU) District.

(a) *Purpose.* The purpose of the Planned Mixed Use (PMU) zoning district is to recognize the need and desirability of combining temporary lodging use with multi-family residential use in a manner that facilitates the redevelopment of the property to include a historic recognition component consistent with and based upon any Special Certificate of Appropriateness approved in accordance with Sec. 74-332 of the Land Development Code,.

In particular, it is the objective of this district to provide an expanded range of uses and flexible standards directed at providing the economic incentives and practical considerations required to foster redevelopment in a manner that gives recognition to the historic tradition of the Belleview Biltmore property.

(b) *Correlation with the Future Land Use Plan.* The PMU Zoning district shall only be eligible for consideration and utilization in conjunction with the Commercial General plan category of the Future Land Use Map.

(c) *Permitted Uses.* Permitted uses in the PMU district include the following:

(1) Temporary Lodging Use, including Hotel/Inn

(2) Multi-family Residential Use, when part of a plan that includes Temporary Lodging Use

(3) Accessory Uses to Temporary Lodging and Residential Use

(4) Nothing in this ordinance shall be interpreted to preclude a permitted temporary lodging use and multi-family residential use from being located either horizontally or vertically in the same or attached structure(s).

(5) Any permitted accessory use to a temporary lodging use shall be accessible to the public for entry/exit only internal to and from within the temporary lodging use itself.

(d) *Density/Intensity Standards.* The maximum permitted density/intensity standards for the PMU district for projects that satisfactorily address the Historic Recognition Component criteria of this ordinance shall be as follows:

(1) Temporary Lodging Use – Forty-two (42) temporary lodging units (tlu) per acre.

(2) Multi-family Residential Use in conjunction with Temporary Lodging Use – Ten (10) dwelling units (du) per acre.

(3) Mixed use projects may combine both Temporary Lodging Use and Multi-family Residential Use based on the maximum density/intensity allowed for each use, calculated on the basis of the proportionate share of the property attributed to each use.

(4) The maximum permitted impervious surface ratio (ISR) for the PMU district shall be sixty (60) percent.

(e) *Minimum District and Unit Size.* Shall be as follows:

(1) The minimum district size for utilization of the PMU district shall be seventeen and one-half (17.5) acres.

(2) The minimum living area of any residential dwelling unit shall be one thousand five hundred (1,500) square feet.

(3) The minimum room size for any temporary lodging unit shall be three hundred (300) square feet.

(f) *Building Setbacks and Separation Distances.* Shall be as follows:

(1) The minimum required setback distance for the portion of any building or structure that does not exceed thirty two (32) feet in height shall be twenty five (25) feet from the edge of pavement/curb for the perimeter roadways.

(2) The minimum required setback distance for the portion of any building or structure that exceeds thirty-two (32) feet in height shall be fifty (50) feet from the adjoining roadway centerline or property line – whichever provides for the greater setback distance.

(3) The minimum separation distance between buildings or structures shall be one-half (0.5) the height of the higher of any two structures and meet the minimum required by the applicable building code requirements.

(g) *Building Height.* Shall be regulated as follows:

(1) The maximum permitted building height shall be as follows, subject to the provisions for height bonus set forth as herein:

a. Temporary Lodging Use – Fifty-six (56) feet

b. Residential Use – Thirty-two (32) feet

(2) Height bonus provisions shall be as follows:

a. The provisions in this section are cumulative and additional height may be authorized on the basis of one or all of these provisions; however, in no event shall the height of any building in the PMU zoning district exceed eighty-eight (88) feet.

b. To be eligible for any height bonus, the average height of all buildings in the development, in proportion to the floor area of the first habitable floor of all buildings in the development, must not exceed fifty-six (56) feet.

c. Should a building take advantage of the parking height bonus identified in this section, the applicable height of the building will be reduced, as it relates to height calculation for average height, by the distance, measured from floor to floor of any designated parking floor, provided that:

1. Seventy-five percent (75%) of parking floor area is dedicated to parking; and

2. The cumulative height of all parking floors above grade in a given building is below twenty percent (20%) of the unadjusted building height.

d. The following four provisions may be used to qualify for a height bonus, either singularly or in combination, consistent with the above stated conditions:

1. Setbacks – The height of a building may be increased by one-half (0.5) foot up to a maximum of one-half of the height permitted as of right for every additional one (1) foot of additional setback above and beyond that which is required based on the average setback for all buildings.

2. Structured Parking – The height of a building may be increased up to a maximum of one-half of the height permitted as of right if fifty percent (50%) or more of the required parking is provided for in a parking structure beneath the building.

3. Impervious Surface – The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the impervious surface ratio for the site is less than fifty percent (50%) of the total site area.

4. Average Height - The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the average height of all buildings on the site, in proportion to the floor area of the first habitable floor of all buildings, does not exceed fifty-six (56) feet.

(h) *Parking.* Parking requirements for the PMU district shall be as follows:

(1) Temporary Lodging Use and uses accessory thereto – One (1) parking space per temporary lodging unit; plus one (1) parking space for each employee anticipated to be on the property at any one time.

(2) Residential Use and uses accessory thereto – Two (2) parking spaces per dwelling unit plus one (1) parking space for every three (3) dwelling units.

(3) All other provisions for parking and loading shall be consistent with Article III, Div. 3, Off Street Parking and Loading.

(i) *Planned Development Flexibility Provisions.* The enumerated standards for district and unit size, and separation distances, setbacks, building height, and parking are as set forth herein, except that the Commission may approve such adjustment to one or more of these

standards under the planned development district process based on the merits of the specific site development plan, consistent with and based upon achieving the objectives of the historic recognition component of this ordinance.

Any such flexible adjustment may only be approved, and will be explicitly determined and set forth, as part of a Development Agreement approved by the Commission pursuant to Sec. 74-86. Development Agreements of the Town Code.

(j) *Historic Recognition Component.* The recognition of historic characteristics embodies a series of factors that reflect the importance of a given structure or property to a community and the larger public interest. These factors may include the nature of the use itself, the unique architectural or structural composition of a building, the historic significance of a site or location, and the economic, social, and cultural importance to a community or region. Each of these factors should be considered in determining the need, value and practicality of recognizing and preserving, replicating, or symbolizing in some form, one or more of these contributing aspects of historic recognition.

This Historic Recognition Component section shall apply only in the event that a Special Certificate of Appropriateness has been approved pursuant to and consistent with the criteria of Sec. 74-332, Historic Preservation of the Land Development Code and the proposed project accompanying the application for the Special Certificate of Appropriateness has submitted application for rezoning to Planned Mixed Use (PMU).

For the purposes of this ordinance and determining the eligibility of a given project to qualify for the combination of use, increased density/intensity, height bonus, and related planned development flexibility provisions set forth herein, the following criteria will be evaluated by the Town as part of its determination to approve a Planned Mixed Use zoning amendment and the corresponding site development plan and Development Agreement.

(1) General Criteria. The factors to be evaluated shall include:

a. Use of the Property. – The proposed Temporary Lodging Use shall provide temporary lodging that is representative of the historic use of the property.

b. Unique Architectural Composition. – The proposed Temporary Lodging Use shall reflect or replicate the character defining features of the exterior architectural style and appearance of the Belleview Biltmore Hotel as shown in Appendix A to a reasonable degree, such that any new building incorporates one or more of the original building's defining architectural features.

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.

c. Site/Location. The project shall honor and reflect the original site through the location, addition, or any new replacement building relative to its positioning, approach and relationship to the site as a whole.

d. Economic Contribution. The proposed project shall provide, to a reasonable degree, an economic contribution that is of benefit to the community that would be otherwise lost if no temporary lodging use was included.

e. Social, Cultural and Community Heritage. The proposed use shall contribute to the historical character, identity and social and cultural heritage of the Town as a whole.

(2) Specific Design Criteria. The design of the temporary lodging use and any accessory use thereto shall replicate the character defining features of the original exterior architectural style of the original Belleview Biltmore Hotel as shown in Appendix A attached hereto and hereby made a part of this Ordinance. The intent of this provision is to include, to the extent practical and consistent with current building code standards, the following design components:

a. Victorian architecture with Queen Anne style ornamentation;

b. Minimum height of three (3) stories and maximum height of four and one-half (4.5) stories; with clear division of stories;

c. Intersection gabled, moderately pitched, roof;

d. Broad verandas at main entrances;

e. Multiple chimneys;

f. Exterior style and character of the architectural treatment; and

g. Use of original construction material[s] indigenous to the area at the end of the 19th century, including those materials that may be salvaged or harvested from the existing building.

Section 5. The Land Development Code, Sec. 74-86. Create a new Sec. 74-86 to read as follows:

Sec. 74-86. Development Agreements

(a) *Purpose.* The purpose of the Development Agreement process is to enable the detailed review of projects to be considered pursuant to the major development provisions of the Town Code in general and the Planned Mixed Use (PMU) zoning district in particular to ensure compliance with the objectives and standards thereof; as well as to comply with the requirements of Section 4.2.7.6 of the Countywide Rules with respect to temporary lodging use standards as may be necessary.

(b) *Submission Requirements.* Application for a Development Agreement shall include the information required for site plan review, any additional information required to determine compliance with or the basis for adjustment of the development standards and historic recognition provisions of this ordinance, and as otherwise determined necessary by the Town based on the specific features of the proposed development project.

(c) *Procedures.* The procedures for consideration and action on a Development Agreement shall, at a minimum, be consistent with and meet the requirements of the Florida Local Government Development Agreement Act (Sec. 163.3220-163.3243, F.S.). In particular, the procedure shall include the following:

(1) Public Hearings. Before entering into, amending, or revoking a Development Agreement, the Town shall conduct at least two public hearings. At the option of the Town Commission, one of the public hearings may be held by the Planning and Zoning Board.

(2) Notice of Intent.

a. Notice of intent to consider a Development Agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in the county. Notice of intent to consider a Development Agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

b. The notice shall specify the location of the land subject to the Development Agreement, the development uses proposed on the property, the proposed densities, intensities and building height, and shall specify a place where a copy of the proposed agreement can be obtained.

(3) Commission Action. Upon conclusion of the second public hearing, the Town Commission shall approve, approve with conditions, or deny the application to enter into a Development Agreement. If the Town Commission proposes a change to the proposed Development Agreement at the second public hearing, the Commission may continue the hearing on a date certain to allow for a written revisions of the proposed Development Agreement to be provided to the Commission for consideration.

(4) Corresponding Relief. The Town Commission, in approving a Development Agreement, is authorized, to grant relief from any provision of the Land Development Regulations that is otherwise authorized to be waived, varied, or granted by the Land Development Regulations, except that no such waiver or variance shall be made to the permitted uses or maximum permitted density and/or intensity standards.

(5) Plan Incorporation. All plans, schematics, and conditions approved by the Town Commission will become part of, or properly identified and referenced in the Development Agreement for the project.

(d) *Content.* At a minimum, a Development Agreement shall include the following:

(1) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;

(2) The duration of the agreement;

(3) The development uses permitted on the land, including densities, intensities and building height;

(4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;

(5) A description of any reservation or dedication of land for public purposes;

(6) A description of all local development permits approved or needed to be approved for the development of the land;

(7) A finding that the development permitted or proposed is consistent with the Town's Comprehensive Plan and Land Development Regulations;

(8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens;

(9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restriction; and

(10) Such additional information or requirements as the Town may determine necessary.

A Development Agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.

(e) *Effect of Subsequent Code Changes.* Upon approval and execution of a Development Agreement, the Town's codes and ordinances governing the development of the land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement. The Town may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the Town has had a public hearing and determined that one or more of the following apply:

(1) They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement;

(2) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;

(3) They are specifically anticipated and provided for in the Development Agreement;

(4) The Town demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development agreement; or

(5) The Development Agreement is based on substantially inaccurate information supplied by the developer.

(f) *Duration, Amendment, Filing.* The following shall govern Development Agreements approved pursuant to the Section:

(1) The duration of a Development Agreement may not exceed 30 years, unless it is extended by mutual consent of the Town Commission and the developer, subject to public hearings as required for the initial approval.

(2) The Town shall review land subject to a Development Agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the agreement. If the Town finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the Development Agreement, the agreement may be revoked or modified by the Town.

(3) A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

(4) Within 14 days after execution of a Development Agreement, the Town shall record the agreement with the Clerk of the Circuit Court. A Development Agreement is not effective until it is properly recorded in the public records of the county. The burdens of the Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successor in interest to the parties to the agreement.

(5) If state or federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties' compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

Section 6. The Land Development Code, Sec. 74-112. Impervious surface coverage, is amended to add the PMU district to subparagraph (e) Table of Impervious Surface Ratios as set forth below:

Attachment No. 3

(e) *Table of impervious surface ratios.* Maximum impervious surface ratios shall be as follows:

Zoning District	*Maximum Impervious Surface Ratio*[1]
RE, R-1 and R-2 (residential districts)	60 percent
RM-10 and RM-15 (multifamily districts)	60 percent
RPD (planned residential district)	60 percent
H (hotel district)	70 percent
PMU (planned mixed use)	60 percent
C-1 and C-2 (office and retail districts)	75 percent
C-3 and C-4 (retail and product distribution districts)	75 percent
C-5 (storage district)	75 percent
GC	As approved under site plan review
P: Institutional uses Transportation uses	 85 percent 90 percent
SPM	75 percent

[1] The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to article II of this chapter.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 8. The effective date of this ordinance shall be the date the final ordinance is read and approved by the Town Commission as provided by law.

PASSED ON FIRST READING: May 20, 2014

PASSED ON SECOND AND FINAL READING: June 17, 2014

Mayor

ATTEST:

Town Clerk