

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

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Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

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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. Future Land Use Element:

- 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. Transportation Element:

- 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 de minimus. 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. Infrastructure Element:

- 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	DENSITY UNITS		TYPES	HEIGHT
		UNITS	PER ACRE		
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 Bellevue 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 Bellevue 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 Bellevue 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