

**BELLEVIEW BILTMORE HOTEL**  
**APPLICATION FOR SPECIAL CERTIFICATE**  
**OF**  
**APPROPRIATENESS FOR DEMOLITION**

**Town of Belleair Staff Report**

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

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**Date:** September 22, 2014



**Calvin, Giordano & Associates, Inc.**  
EXCEPTIONAL SOLUTIONS

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**Town Commission**

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## INTRODUCTION

### Background

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

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

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

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

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

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

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

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

## **The Application**

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

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

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

## **OVERVIEW OF PROCESS**

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

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

- 2) Planning and Zoning Board Re: Consideration of the application for Rezoning, Master Plan, Preliminary Development Plan and Development Agreement and recommendation to the Town Commission;
- 3) Local Planning Agency Re: Consideration of the application for Rezoning and recommendation to the Town Commission; and
- 4) Town Commission - Re: Consideration of the following:
  - a) Special Certificate of Appropriateness for Demolition (approval, approval with conditions, denial);
  - b) Rezoning, Master Plan, Preliminary Development Plan and Development Agreement (initial consideration and preliminary action);
  - c) Rezoning, Master Plan, Preliminary Development Plan and Development Agreement (second hearing and final action to approve, approve with conditions, or deny); and
  - d) Authorization for Demolition Permit and Consideration of Lien Reduction Request (authorization to process demolition permit and action to approve or deny lien reduction request.)

## **APPLICABLE PLAN AND CODE PROVISIONS**

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

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

### **General Policies and Guidelines**

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

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

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

**Objective 1.6:**

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

**Policy 1.6.1:**

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Specific Procedures and Criteria**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed development plan includes the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONSIDERATION OF THE PUBLIC INTEREST

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

*"This 'public interest' determination inherently requires the Town Commission to consider whether restoration of the Hotel is financially feasible. Obviously, the public interest would not be served by denial of an SCA application where restoration is not achievable. In support of its claim of economic hardship (addressed in more detail at Tab 1.3 hereof), Applicants have submitted a report by Hotel Valuation Services ("HVS") which clearly demonstrates that restoration of the Hotel is not financially feasible, therefore restoration is not achievable, and as such, the public interest in restoring the Hotel would not be served by denying the SCA Application. Applicants have submitted a study which clearly demonstrates that restoration of the Hotel is not financially feasible and, therefore, restoration is not achievable. The public interest in restoring the Hotel would not be served by denying the SCA Application as there is no reasonable prospect for restoration and the Hotel will continue to deteriorate. The public interest will be served by authorizing demolition of the Hotel to permit redevelopment and to support an economically viable use. The redevelopment will generate substantial additional tax revenue and will include a significant historic preservation component as required by the PMU ordinance.*

*The public interest is served by demolition of the Hotel because the deteriorated condition is a nuisance to the surrounding properties and is detrimental to the property values in the community. As part of its claim of economic hardship, Applicants have submitted a Limited Structural Condition Survey prepared by McCarthy & Associates, Inc. (See Tab 1.3.1.10) which established that the physical condition of the Hotel has deteriorated to the stage that some of the structures should be condemned and other are nearly to that condition." (See Tab 1.2, Page 1-2)*

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

## **CONCLUSION AND RECOMMENDATION**

### **Conclusion**

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

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

### **Recommendation**

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

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



## ATTACHMENTS

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