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MEMORANDUM

TO: Town of Belleair
Planning and Zoning Board
and
Mayor and Town Commission

FROM: David Healey, FAICP 
Calvin, Giordano & Associates

THROUGH: Micah Maxwell, ICMA - CM
Town Manager

SUBJECT: Application for Variances to Landscape/Buffer
Requirements for Belleair Country Club
Parking Lot - Phase I

DATE: September 6, 2016

Background

In conjunction with the acquisition and development of the Belleview Place and Inn project, a portion of the original Belleview Biltmore Hotel site adjacent to the Belleair Country Club was acquired by the Country Club.

This 2.325 acre parcel that has, in part, been used for unimproved overflow parking by the Country Club is classified Commercial General on the Future Land Use Map and zoned Hotel (H) on the Zoning Map.

With the acquisition of this parcel, the Country Club proposes to redesign its current parking lot/entrance on the north side of the Clubhouse between the Clubhouse and the Belleview Blvd. entrance to the Belleview Place and Inn project.

This parking lot/entrance redesign is proposed to be undertaken in two phases. Phase I will redesign the access drive and parking lot immediately north of the Clubhouse to provide for a loop drop-off drive and golf cart parking area and seven (7) parking spaces - a reduction of thirty (30) spaces in Phase I. Phase II will then propose to add 151 parking spaces and be designed to extend and fully integrate with Phase I. The resultant improvement of Phase I and II, when complete, will provide a net addition of 121 parking spaces to the existing 315, for a total of 436 spaces, on the Country Club complex.

A copy of the application and accompanying site plan prepared by Deuel and Associates and landscape plan prepared by Phil Graham, Landscape Architecture, received on August 12, 2016 have been provided to the Planning and Zoning Board for your review and recommendation, and to the Town Commission for their determination and action.

Please see in particular the applicants' justification for the requested variance in response to Item 7. on the Town's application form.

Summary Description of Requested Variance

The variance request is to allow the Phase I parking improvements to be approved absent the otherwise required landscape buffer requirements between the newly acquired 2.325 parcel zoned Hotel (H) and the previously existing Country Club property zoned RPD.

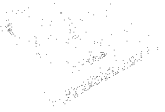
Chapter 74, Article III, Division 6, Section 74-232, Required Landscaping, requires a "Type A" buffer between a Hotel zoning district and golf course use. The "Type A" buffer as set forth in Section 74-232 (b) would require a landscape buffer ranging from ten (10) to twenty (20) feet wide, depending on the number, type and intensity of the plant materials included.

The applicant has indicated that the purpose of seeking approval for Phase I in advance of Phase II is to allow construction to begin immediately, while they complete plans and permitting for Phase II. In this instance, the zoning district line that is coterminous with the newly acquired parcel is in a portion of the parking aisle that divides Phase I and II of the parking lot improvements. The landscape buffer requirement intended to provide a transition between distinct zoning districts would, in this case, serve only to somewhat artificially separate the Phase I and Phase II parking requirements. Further, the requirements for this separation buffer between zoning districts would be eliminated in the event that the Country Club ultimately applies for and receives approval to reclassify the newly acquired 2.325 acre parcel from Commercial General (CG) and Hotel (H) to Recreation/Open Space (R/OS) and Residential Planned Development (RPD) to integrate it with the rest of the golf course property.

Compliance with Section 74-232 (b) (7) relative to landscape requirements between the vehicle use area and the Clubhouse structure is shown on the accompanying landscape plan. Compliance with Section 74-232 (a) relative to the internal landscape requirements for vehicle use areas will be determined and addressed as a function of review and approval of the plan for Phase II of the project.

Applicable Criteria and Related Considerations

The process and criteria for consideration of the requested variances is governed by Article V, Variances, Nonconformities and Hardship Relief, Section 66-251 and 66-253. 7



Section 66-251, Purpose of Division, states that *"The purpose of this division is to provide mechanisms for obtaining relief from the provisions of this land development code where hardship would otherwise occur."*

Section 66-253, Variances, grants authority to the Town Commission, *"Where there are practical difficulties or unnecessary hardships incurred in the literal enforcement of the provisions of this land development code, the town commission shall have the power in specific and appropriate cases, and after due notice and a public hearing, to grant upon petition such variance from or exception to the terms of this Code as may not be contrary to the public interest and in order that substantial justice may be done.."*

The criteria for granting variances are included in Section 66-253 (b) 1. - 6. as follows:

(b) *Criteria for granting; conditional approval; expiration of approval.*

(1) *Initial determination.*

a. *Before granting any variance, the town commission shall determine that:*

1. *Special conditions and circumstances exist which are peculiar to the land, structure or buildings involved.*
2. *The special conditions and circumstances do not result from actions of the applicant.*
3. *Literal interpretation of the provisions of this Code would work unnecessary and undue hardship on the applicant.*
4. *The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, structure or building.*
5. *A grant of variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the zoning district involved or otherwise detrimental to the public interest.*
6. *A grant of variance will not result in any land use not specifically provided for in the schedule of district regulations (section 74-82 of this Code) for the zoning district in which the property is located.*

It is the applicant's responsibility to establish that the application for variance(s) addresses and satisfies the applicable criteria.



Summary

The Planning and Zoning Board's role is to assess the relative merits and eligibility of the requested variances in relationship to the requirements of the Code and provide an advisory recommendation to the Town Commission. It is ultimately the Town Commission's purview to weigh the application against the requisite criteria and make a finding and determination with respect thereto.

The Commission may approve, deny, or approve with conditions, the request for variance(s).

The guiding principles for the Commission in rendering its decision are found in the purpose statement for variances identified above that gives the Town Commission the power to grant variances *..where there are practical difficulties or unnecessary hardships incurred in the literal enforcement of the Code.....that are not contrary to the public interest and in order that substantial justice maybe done.....*

Among the considerations to be evaluated by the Board and Commission relative to the justification for elimination of the landscape/buffer requirement between the Hotel (H) and RPD zoning districts, in relationship to the specified criteria, is the following:

- **The special conditions or circumstances that warrant waiver of this requirement.**