



Project: Pinkelly

Site and Development Plan Amendment Petition No. 12-03SP.1

Special Exception Petition No. 16-04SE

Staff Report

Owner: Venetian Plaza, LLC **Parcel ID #s:** 0408-04-0129

Addresses: 304 W. Venice Ave

Agent: Jeffery Boone, Esq., Boone Law Firm **Parcel Size:** 2.3 acres

Existing Zoning District: Commercial, Business District/Historic Venice (CBD/HV)

Future Land Use Designation: City Center Sector (Planning Area E)

Summary of Site and Development Plan:

The applicant proposes to construct a two-story, 10,000 square foot office/retail building on the subject property west of the existing Bank of America building. The first floor will consist of 5,000 square feet of retail space with the second floor proposed for 5,000 square feet of office space.

Site and Development Plan Stipulations:

1. Any loading or unloading associated with this property is prohibited in the right-of-way.

Summary of Special Exception:

The applicant is seeking relief from the standards for minimum drive aisle width and the standards for number of required loading zones, the details of which will be provided in this report.

I. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

Subject and Surrounding Property Information:

The subject property is comprised of approximately 2.3 acres as shown on Map 1. Currently, the subject property is occupied by the Bank of America building and accessory drive-thru structure along with the Daiquiri Deck restaurant. The Daiquiri Deck is the newest structure onsite and was approved by Planning Commission through site and development plan petition No. 12-03SP on June 5, 2012. The remainder of the site is devoted to associated parking, vehicle use area and landscaping. The property fronts on W. Venice Avenue to the south, Nassau Street to the east and Tampa Avenue to the north.

Following Map 1 are a series of photos which show on-site conditions for the subject property.

Map 1: Aerial

2016 Aerial



Legend

-  Subject Property
-  Parcel Boundaries

0 50 100 150 200 250 300 Feet

Petition No. 12-03SP.1
Pinkelly





View looking east.



View looking west.



Proposed building location.



Building location from Tampa Ave.



View looking south.



View looking southeast.

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the table below.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Epiphany Cathedral	Office, Professional and Institutional/Venetian Theme (OPI/VT)	Institutional-Professional
West	US Post Office	Commercial, Business District/Historic Venice (CBD/HV)	City Center Sector
South	Mixed-Use Commercial/Residential	Commercial, Business District/Historic Venice (CBD/HV)	City Center Sector
East	Centennial Park	Government Use/Historic Venice (GU/HV)	City Center Sector

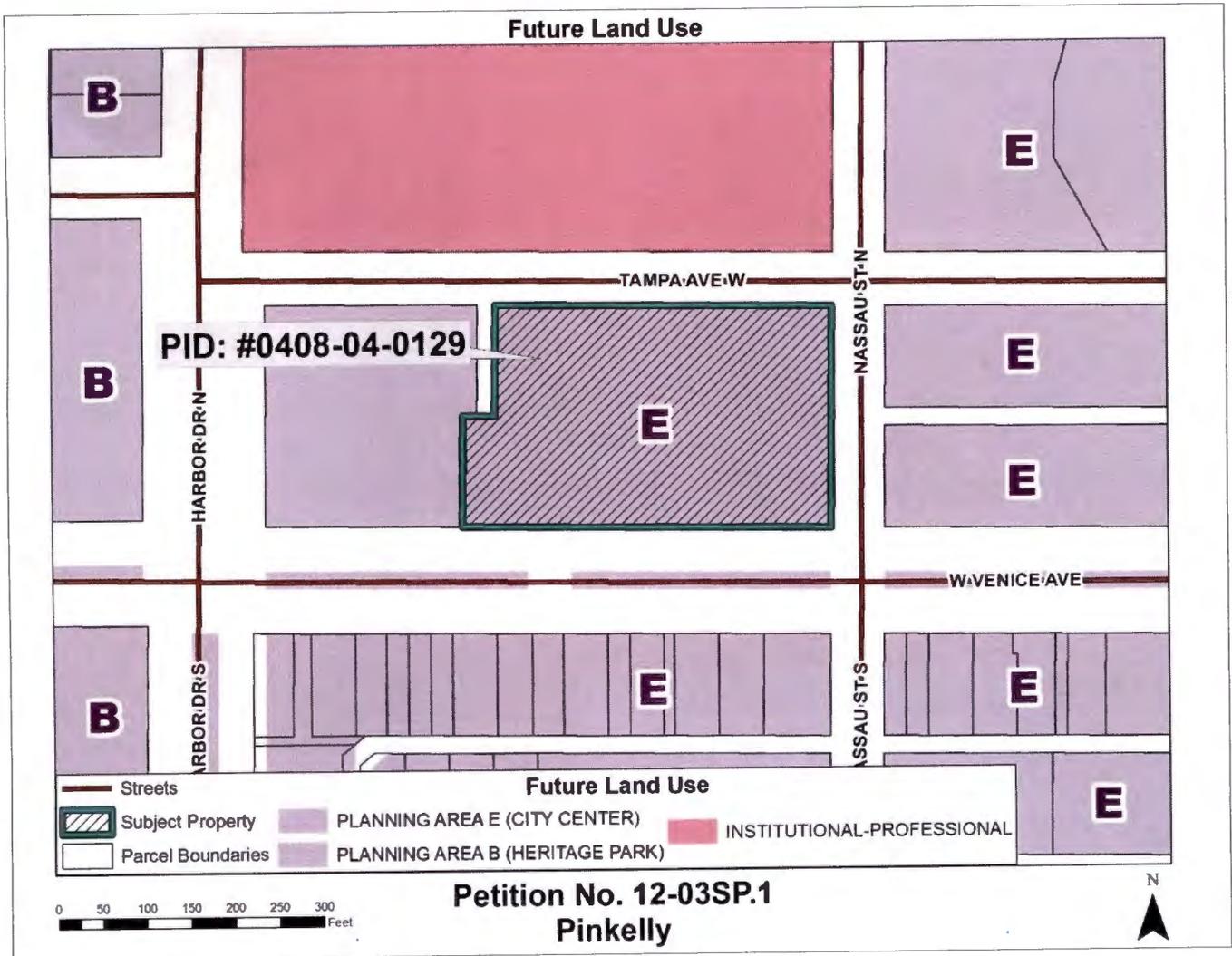
Flood Zone Information:

Based on the newly adopted FEMA Flood Maps, the subject property is located within Flood Zone “X” per FIRM panel #12115C0327F. Zone “X” is defined as areas determined to be outside the 0.2% annual chance floodplain. Zone “X” is considered a low risk flood zone. The project is required to obtain Southwest Florida Water Management District permits prior to construction.

Future Land Use:

Map 2 shows the subject property having a Future Land Use designation of City Center Sector (Planning Area E). The planning intent of the City Center Sector is to *“Promote the original Venice Plan designed by John Nolen by expanding the features of the traditional downtown core and encouraging mixed use residential/commercial buildings. The intent of this planning concept is to preserve an integrated mixed use community sector with a downtown core, schools, residential properties, civic offices, community services, cultural resources, parks and public spaces, restaurants, and shops. Auto-centric uses would be discouraged in order to improve the sector’s pedestrian access, bikeability, and transit opportunities.”*

Map 2: Future Land Use Map



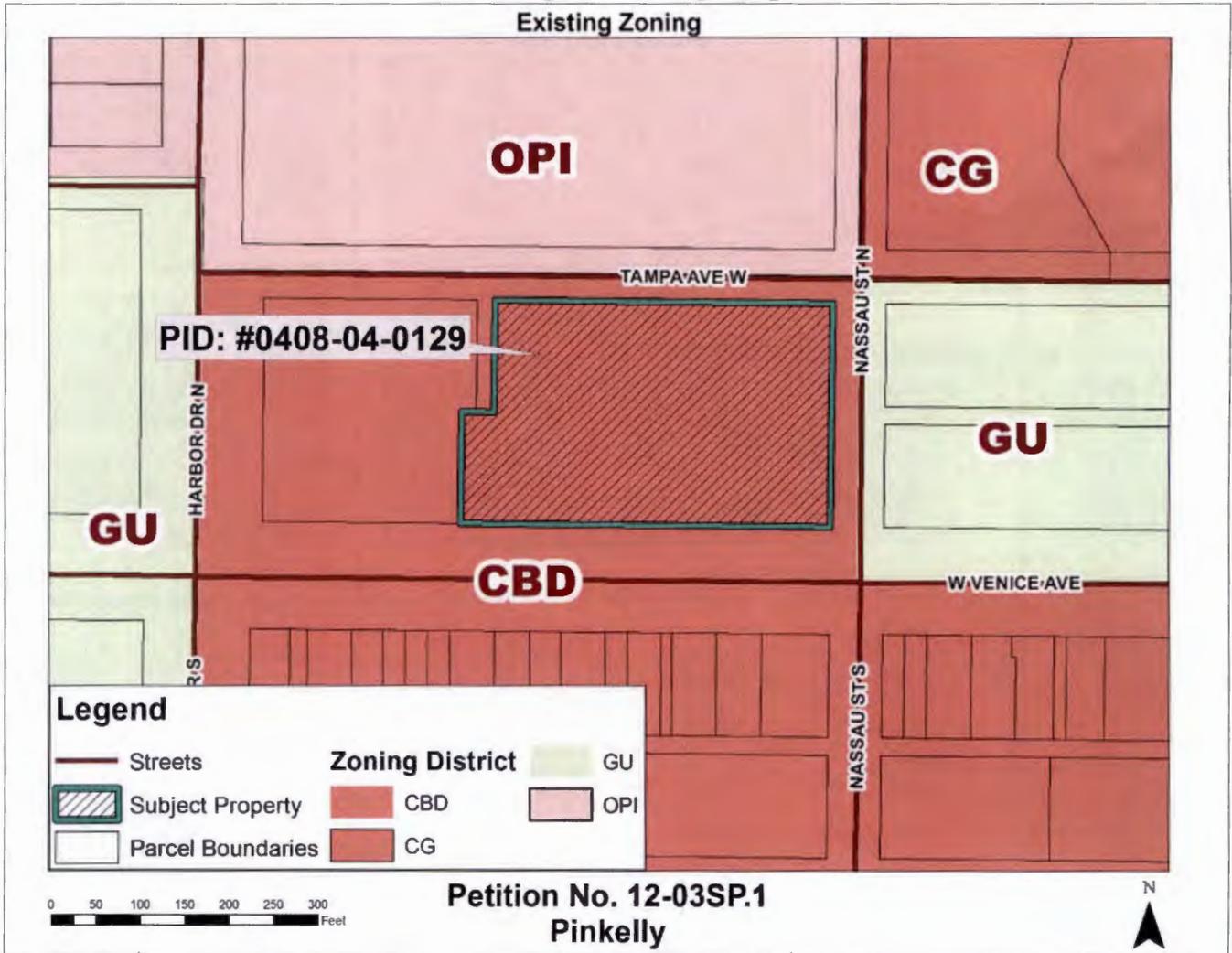
Existing Zoning:

Map 3 shows the existing zoning of the subject and surrounding properties. The subject property is zoned Commercial, Business District (CBD) and is also under the regulatory standards of the Historic Venice Architectural Control District (HV). Due to the HV designation of the subject property, review of the subject petition by the city’s Architectural Review Board (ARB) will be required subsequent to Planning Commission public hearing. Any Planning Commission comments regarding the proposed architectural design of the structure will be forwarded to the ARB.

The subject property is bounded on the north by the Epiphany Cathedral which is zoned Office, Professional & Institutional/Venetian Theme (OPI/VT) and on the east by Centennial Park which is zoned Government Use/Historic Venice (GU/HV). Properties to the west and south are zoned CBD/HV consistent with the subject property and contain the post office and retail shops respectively.

Map 3: Zoning Map

Existing Zoning



II. PROPOSED IMPROVEMENTS

The subject property contains approximately 2.3 acres and is under the ownership of the Venetian Plaza, LLC. The applicant proposes to construct an approximately 10,000 square foot, two-story office/retail building in the 300 block of West Venice Ave. on the parcel that currently contains the Bank of America building along with the Daiquiri Deck Restaurant. The building will be located consistent with the existing building line and just west of the bank building. Proposed for the first floor is 5,000 square feet of retail space with 5,000 square feet devoted to office use on the second floor. An outdoor seating area is included in the site layout adjacent to the west side of the building in anticipation of a supporting principal use. The architectural design of the building is consistent with the city's northern Italian theme and includes elements of buildings such as the Gulf Theater building that existed on the subject site in the past. Review by the ARB is required for this project and will occur subsequent to the Planning Commission public hearing.

The construction of the proposed building will cause the elimination of approximately 20 onsite parking spaces. Although these spaces are being eliminated, the project remains in compliance with the city's code due to its location within the CBD zoning district that permits the satisfaction of parking requirements with public, offsite parking located within 900 feet of the site. The layout of the remaining parking area will remain unchanged for the most part except for the addition of a

loading zone. Although there will now be two loading zones on the site to serve the project, an additional loading zone is required. The applicant is requesting relief from this requirement through the submittal of a concurrent special exception application. In addition to the loading zone requirement, the applicant is requesting that the existing access drive from W. Venice Ave. remain non-conforming for a short distance to minimize modifications to the existing access. The special exception requests will be detailed later in this report.

Staff is proposing the following stipulation to be included with any approval of this petition:

- 1. Any loading or unloading associated with this property is prohibited in the right-of-way.***

III. PLANNING STAFF ANALYSIS OF THE SITE AND DEVELOPMENT PLAN

This section of the report evaluates the site and development plan petition for 1) consistency with the comprehensive plan, 2) compliance with the Land Development Code, and 3) compliance with the city's concurrency management regulations and the projects expected impacts on public facilities. For each of the three evaluations staff provides its finding.

1. Consistency with the Comprehensive Plan

The subject property is located in the City Center Sector (Planning Area E). The planning intent of the City Center Sector is to *"Promote the original Venice Plan designed by John Nolen by expanding the features of the traditional downtown core and encouraging mixed use residential/commercial buildings. The intent of this planning concept is to preserve an integrated mixed use community sector with a downtown core, schools, residential properties, civic offices, community services, cultural resources, parks and public spaces, restaurants, and shops. Auto-centric uses would be discouraged in order to improve the sector's pedestrian access, bikeability, and transit opportunities."* Based on the applicant's proposal, consistency with the planning intent of the City Center Sector is being maintained. It expands the features of the traditional downtown core by introducing uses consistent with the existing uses in the area and those identified by the planning intent. In addition, the downtown development pattern is being maintained and restored consistent with past structures in this location.

The proposed project remains in compliance with the remainder of the policy language in the City Center Sector which is regulatory in nature. Although residential uses are permitted in the CBD, no residential uses are proposed at this time. Standards allowing up to 80% of the sector to be permitted for commercial mixed use, retail, and office space are not applicable as the property is already identified for commercial use through the zoning designation of CBD. No changes are proposed to pedestrian or vehicle access maintaining the existing accessibility of the site. The proposed building is compliant with the height requirements of 3 stories up to 35 feet and results in an overall parcel floor area ratio (FAR) of .5, less than the maximum of 2.0. The architectural style of the building was designed consistent with the city's northern Italian theme and will be evaluated by the city's ARB.

The applicant has addressed Policy 8.2 of the City's Comprehensive Plan regarding compatibility in their project narrative. Staff agrees with the applicant's indications that the proposed development is consistent with the surrounding neighborhood and finds that it is consistent with multiple planning strategies identified in the comprehensive plan promoting infill development, active streets and an

active public realm to name a few. In conclusion, there are no identifiable concerns regarding compatibility with the surrounding properties and no mitigation strategies are necessary.

Staff Finding: *The proposed site and development plan is consistent with the comprehensive plan.*

2. Compliance with the Land Development Code

As indicated, the property is subject to the regulatory standards of the CBD/HV. The applicant has designed the project in compliance with the regulatory standards of the CBD district and with the existing development pattern of the CBD which locates buildings toward the street. The project actually restores a building pattern that existed on this site previously. Although some parking is being eliminated, the project is compliant with the parking standards of the CBD which allows the use of public on-street and off-street parking to satisfy use requirements. All other code standards of the CBD have been confirmed for compliance, with the exception of the general code requirement for loading zones and the minimum standards for drive aisle width. The applicant has submitted a concurrent special exception petition requesting relief from these code standards. In addition, the property is under the jurisdiction of the ARB for confirmation of consistency with design standards required for the Historic Venice Architectural Control District. The applicant is required to schedule review by the ARB in a public meeting subsequent to review by Planning Commission to obtain a certificate of compliance.

Staff Finding: *Except for the requested code modifications through special exception, staff finds that the site and development plan is in compliance with the the land development code.*

3. Concurrency/Adequate Public Facilities

The applicant has submitted a concurrency determination application and the concurrency review has been completed by staff. The following table shows the expected facility impacts and the status of the departmental concurrency reviews.

Department	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	4.5 ERU's	Concurrency confirmed by Utility Dept.
Utilities	Sanitary Sewer	4.5 ERU's	Concurrency confirmed by Utility Dept.
Public Works	Solid Waste	46.6 lbs. per day	Concurrency confirmed by Public Works Department
Public Works	Parks & Recreation	NA	Non-Residential
Engineering	Drainage	Existing impervious	Concurrency confirmed by Engineering Department
Planning and Zoning	Transportation	117-p.m. peak hour trips	Concurrency confirmed by the City's Traffic Consultant
School Board	Public Schools	NA	Non-Residential

Staff Finding: *Adopted minimum levels of service for the above facilities will be maintained after taking into account the estimated public facility impact of the proposed project.*

Based on the planning analysis provided in Section III of this report, staff has made the following findings regarding the site and development plan petition.

1. **Consistency with the Comprehensive Plan:** *The proposed site and development plan is consistent with the comprehensive plan.*
2. **Compliance with the Land Development Code:** *Except for the requested modifications through special exception, the proposed site and development plan is in compliance with the land development code.*
3. **Concurrency:** *The proposed site and development plan is in compliance with the city's concurrency management regulations. If approved, staff will issue the project a concurrency certificate.*

IV. PLANNING COMMISSION EVALUATION OF THE SITE AND DEVELOPMENT PLAN

Planning Commission Findings of Fact for the Site and Development Plan

Section 86-23(n) specifies the Planning Commission's role in taking action on a site and development plan application and reads in part, "..... the planning commission shall be guided in its decision and exercise of its discretion to approve, approve with conditions, or to deny by the following standards".

To assist the Planning Commission, staff has prepared a comment on each of the following standards or findings by which the site and development plan application can be evaluated.

- (1) Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the city.

Applicant Response: *Evidence of ownership and control have been provided.*

Staff Comment: *A deed and survey have been provided confirming ownership and control of the subject property. There is no common open space.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the planning commission the authority to reduce residential densities below that permitted by the schedule of district regulations set out in article IV, division 2 of this chapter.

Applicant Response: *The intensity of the proposed uses is compatible and harmonious with the adjacent nearby properties.*

Staff Comment: *The proposed development is consistent with the surrounding development and further promotes the John Nolen plan by expanding the features of a traditional downtown core.*

- (3) Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing utilities and refuse collection, and access in case of fire, catastrophe or emergency.

Applicant Response: *No changes are proposed to the ingress and egress from the property, and the proposed plan provides for appropriate separation of automotive and pedestrian traffic, traffic flow, provision of emergency services, and refuse collection.*

Staff Comment: *Access to the subject site will remain unchanged. Appropriate facilities are provided for pedestrian cross access.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

Applicant Response: *Off-street parking and loading facilities are appropriately located in relation to thoroughfares and internal traffic patterns within the proposed development.*

Staff Comment: *Except for the building placement, the remainder of the parking layout will remain unchanged. Although onsite parking spaces are being reduced by approximately 20 spaces, the CBD zoning district allows parking requirements to be satisfied by public on-street and off-street within 900 feet of the subject site. The project is in compliance with this standard. Regarding loading facilities, the applicant has submitted a concurrent special exception requesting relief from compliance with code requirements that are detailed later in this report.*

- (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

Applicant Response: *The proposed uses are compatible and harmonious with the existing uses inside and outside the proposed development.*

Staff Comment: *Current landscape buffering is in place and the proposed project has not triggered any requirement for additional landscaping. The applicant however, is providing additional landscaping to enhance the project.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall public drainage capacities.

Applicant Response: *Drainage for the proposed development is consistent with all City standards.*

Staff Comment: *The Engineering Department confirmed compliance with applicable drainage requirements.*

- (7) Adequacy of provision for sanitary sewers, with particular relationship to overall city sanitary sewer availability and capacities.

Applicant Response: Sanitary Sewer is available on site and capacity exists to serve the proposed development.

Staff Comment: The project will tie into an existing sanitary sewer line. The Utilities Department in its concurrency review confirmed there is adequate sanitary sewer capacity to serve the proposed project.

- (8) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

Applicant Response: All utilities are available on site and the capacity exists to serve the proposed development.

Staff Comment: The project will tie into existing water line. The Utilities Department in its concurrency review confirmed there is adequate water capacity to serve the proposed project.

- (9) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community or citywide open spaces and recreational facilities.

Applicant Response: Not applicable.

Staff Comment: An outdoor seating area is included in the site layout adjacent to the west side of the building in anticipation of a supporting principal use. This implements planning area policy G.1 regarding creation of outdoor spaces. Since this is a non-residential use, no recreation facilities are required or provided.

- (10) General site arrangement, amenities and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values.

Applicant Response: No response.

Staff Comment: As indicated previously, the proposed project is consistent with the surrounding development pattern.

- (11) Such other standards as may be imposed by this chapter on the particular use or activity involved.

Applicant Response: Not applicable.

Staff Comment: The project is in compliance with all standards provided in the City's Land Development Code with the exception of those standards included in the request for relief through special exception.

- (12) In the event that a site and development plan application is required, no variance to the height, parking, landscape, buffer or other standards as established herein may be considered by the Planning Commission. The Planning Commission may consider modifications to these standards under the provisions and requirements for special exceptions.

Applicant Response: Please see associated Special Exception application in connection with a proposed modification of driveway width standards.

Staff Comment: The applicant has submitted a concurrent special exception requesting relief from standards for loading zone and driveway width.

Based upon the above analysis, Planning Commission has sufficient information on which to base a determination on this petition.

V. SPECIAL EXCEPTION REQUEST AND STAFF ANALYSIS

Along with the site and development plan petition, the applicant has submitted a concurrent petition for special exception. The request is twofold and includes request for relief from standards for drive aisle width 86-412(a) and requirements for loading zones 86-422(d) as follows:

Drive Aisle Width

The requested relief applies to the existing access drive from W. Venice Avenue into the site. Code indicates that the required width for a one-way drive aisle be a minimum of 20 feet. It is important to note that no modification of the current access to the site from W. Venice Avenue is proposed and the current width dimension of the drive aisle is 18.45 feet with the dimension at the edge of the street being slightly wider at 18.9 feet. As the drive exists currently, it widens to a dimension of approximately 24 feet within the first thirty feet of accessing the property. The proposed project will maintain the current access dimensions, however the 18.45 foot width dimension will continue for an approximately additional forty feet until it begins to widen to no less than 24 feet. The remainder of the drive aisle maintains the 24 foot dimension which is four feet more than the minimum.

The current substandard access drive is an existing condition which will extended for a short distance. Although the substandard dimension will continue for this short distance, it will actually widen to 24 feet which is in excess of the required 20 foot dimension. Based on the applicant's submittal and staff review, Planning Commission can make a positive finding that the public interest will not be adversely affected by the proposed special exception.



Loading Zone

The city's code requirement for loading zones is based on use and square footage. For retail, restaurant and other similar uses, the code requires one loading zone for uses in excess of 5,000 square feet but not over 25,000 square feet. For office use, the requirement parameters are 10,000 to 40,000 square feet. The subject property currently provides one loading zone that was installed at the time the Daiquiri Deck restaurant was approved and functions without issue. Prior to this, there was no identified loading zone for the property. The subject site and development plan petition includes an additional loading zone for the proposed construction of a 10,000 square foot building. However, when calculating the total loading zone requirement for the site, including the Bank of America building which exceeds 38,000 square feet, the city's code requires a third loading zone. Due to the limits of the site and the applicants desire to maintain as much of the existing traffic flow as possible, they are seeking relief from the requirement for the additional loading zone.

The city's code is somewhat limited when it comes to loading zones. Although it is somewhat clear on the number required, there is no minimum size indicated for a loading zone. Staff has determined that a total of three loading zones is required for the existing and proposed uses on the subject property. Total retail and restaurant use exceeds 11,000 square feet which requires one loading zone. Loading zone number one is currently provided and located at the rear of the Daiquiri Deck restaurant. The remaining

uses on the site are the proposed project of 5,000 square feet of office use and the existing 38,000 square foot Bank of America office building for total office use in excess of 40,000 square feet. Based on these calculations, two additional loading zones are required for code compliance for all existing and proposed uses. The applicant is providing a second loading zone located just west of the existing loading zone and has indicated the property currently functions without issue. The city has no indication to the contrary. For these reasons, a third loading zone is not being proposed and the applicant is seeking relief from this additional requirement. In reality, the applicant could identify a standard parking space as a third loading zone due to the code's lack of a minimum size standard, however, staff agrees with the applicant that the elimination of a parking space would be more of a detriment to the site than any advantage gained by the additional loading facility. Staff is also proposing a stipulation that loading and unloading associated with this property will be prohibited in the right-of-way. Based on the applicant's submittal and staff analysis, Planning Commission can make a positive finding that the public interest will not be adversely affected by the proposed special exception.



View of existing loading zone at rear of Daiquiri Deck.

VI. PLANNING COMMISSION EVALUATION OF THE SPECIAL EXCEPTION

Required Planning Commission Findings for Special Exception Approval:

In accordance with Section 86-43(e), before any special exception shall be approved, the planning commission shall make a written finding that the granting of the special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable.

1. Compliance with all applicable elements of the comprehensive plan.

Applicant Response: *The proposed special exception is in compliance with all applicable elements of the comprehensive Plan.*

Staff Comment: *Comprehensive Plan consistency has been discussed and confirmed in Section III of this report and the proposed special exception creates no issues regarding this consistency.*

2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Applicant Response: *The proposed modification to reduce the drive aisle width from 20' to 18.45' will not be a detriment to pedestrian safety and convenience, traffic flow, or emergency access. The 18.45' drive aisle currently exists in the area and the request is simply to extend the area where the driveway width is reduced to 18.45'. There are no parking spaces in the area of the requested modification and no other potential conflicts which would create a safety hazard.*

Regarding the proposed modification concerning off-street loading zones, the two (2) proposed loading zones are located behind the Bank of America building in an area separated from the vast majority of the parking on site. If a third off-street loading zone were required, it would need to be placed in the area where the majority of the parking is located, thereby unnecessarily creating potential conflict with automotive and pedestrian safety.

Staff Comment: *There is no proposed change to the existing ingress and egress to the subject parcel. The requested special exception for the access from W. Venice Ave. is to extend an existing condition for an additional forty feet until the access drive widens in excess of the required dimension. The proposed building is setback from the entrance-only access drive along with the adjacent walkway which provides for visibility of the access drive at both the northeast and southeast corner of the building. Regarding the request for relief from the requirement for a third loading zone, as access to the property is remaining unchanged, the proposed additional loading zone will be accessed consistent with the existing loading zone at the rear of the property.*

3. Off-street parking and loading areas, where required, with particular attention to the items listed in subsection (e)(2) of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

Applicant Response: *The proposed modification to reduce the drive aisle width from 20' to 18.45' will not be a detriment to pedestrian safety and convenience, traffic flow, or emergency access.*

The 18.45' drive aisle currently exists in the area and the request is simply to extend the area where the driveway width is reduced to 18.45'. There are no parking spaces in the area of the requested modification and no other potential conflicts which would create a safety hazard. The special exception request will not result in any economic, noise, glare, or odor effects on adjoining properties.

As noted above, regarding the proposed modification concerning off-street loading zones, the two (2) proposed loading zones are located behind the Bank of America building in an area separated from the vast majority of the parking on site. If a third off-street loading zone were required it would need to be placed in the area where the majority of the parking is located, thereby unnecessarily creating potential conflict with automotive and pedestrian safety.

Staff Comment: *As indicated in this report, the construction of the proposed building is causing elimination of twenty existing parking spaces. Consistent with the parking requirements for the CBD zoning district, adequate parking exists within code compliant proximity to the site. The parking layout on the remainder of the site remains unchanged.*

4. Refuse and service areas, with particular reference to the items listed in subsections (e)(2) and (e)(3) of this section.

Applicant Response: *Not applicable.*

Staff Comment: *Refuse and service areas remain unchanged and no issues have been identified by staff.*

5. Utilities, with reference to location, availability and compatibility.

Applicant Response: *Not applicable.*

Staff Comment: *The project will tie into existing city water and sewer lines. The Utilities Department in its concurrency review confirmed there is adequate water and sewer capacity to serve the proposed project.*

6. Screening and buffering, with reference to type, dimensions and character.

Applicant Response: *Not applicable.*

Staff Comment: *Since, except for the proposed building, the site is remaining unchanged, there is no requirement for additional landscaping or buffering for this project.*

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

Applicant Response: *Not applicable.*

Staff Comment: *Not applicable to the requested special exception.*

8. Required yards and other open space.

Applicant Response: Not applicable.

Staff Comment: Not applicable to the requested special exception.

9. General compatibility with adjacent properties and other property in the district.

Applicant Response: The proposed special exception regarding driveway width is a very minor modification to an existing condition which has existed compatibly with adjacent and nearby properties for many years, and the proposed modification will not impact adjacent and nearby properties.

Regarding the Special concerning the number of required off-street loading zones, granting of the Special Exception will allow for preservation of parking spaces, thereby making the proposed development more compatible with adjacent properties.

Staff Comment: As indicated previously, the proposed project is consistent with the surrounding development.

10. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.

Applicant Response: Not applicable.

Staff Comment: There are no special requirements that have not been addressed in this report.

Based upon the above analysis, Planning Commission has sufficient information on which to base a determination on this petition.

