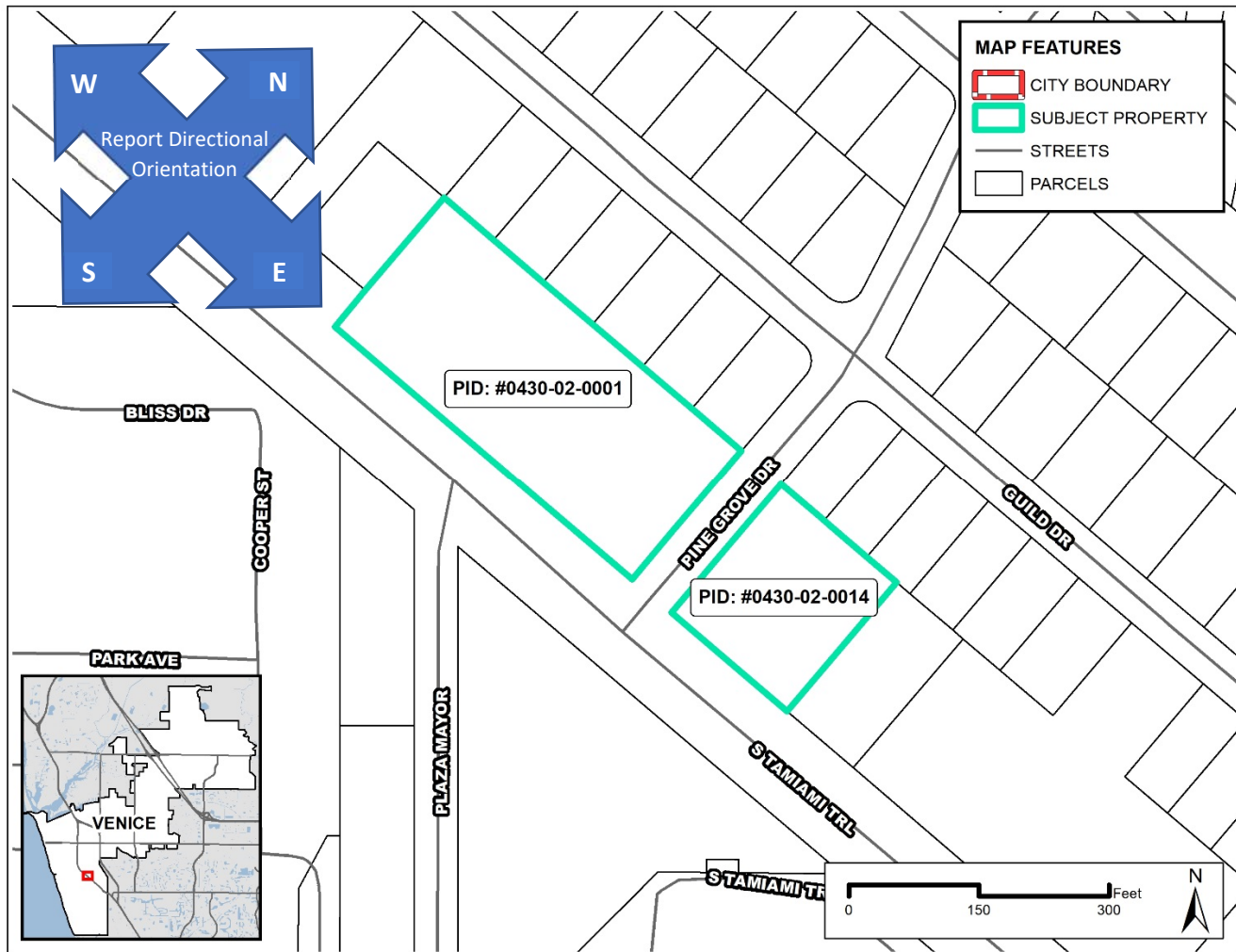




# VENETIAN URBAN DESIGN WAIVER STAFF REPORT FOUR POINTS BY SHERATON

October 15, 2019  
18-01WV



**PETITION NOS.:** 18-01WV

**REQUEST:** Waiver of requirements of the Venetian Urban Design (VUD) overlay district regarding parking, required yards, and architectural design for the development of a 4-story, 103 room hotel and a 30 seat restaurant.

## GENERAL DATA

<i>Owner:</i>	DAUS Capital, LLC	<i>Agent:</i>	Ronald Edenfield, P.E., RMEC, LLC
<i>Address:</i>	775 & 805 S. Tamiami Trail	<i>Property IDs:</i>	0430020001 & 0430020014
<i>Property Size:</i>	2.79+ acres		
<i>Future Land Use:</i>	Mixed Use Corridor (MUC)		
<i>Comp Plan Neighborhood:</i>	Island Neighborhood		
<i>Existing Zoning:</i>	Commercial, General (CG) and County Office, Professional and Institutional (OPI) with the Venetian Urban Design (VUD) Overlay District		
<i>Proposed Zoning:</i>	Commercial, General (CG) and City Office, Professional and Institutional (OPI) with the Venetian Urban Design (VUD) Overlay District		

## ASSOCIATED DOCUMENTS

### A. Application Information (completed petition)

**See Directional Orientation for this report on the Location Map Above.**

## I. EXECUTIVE SUMMARY

The proposed project includes development of two parcels of land along South Tamiami Trail (Business 41) separated by Pine Grove Drive. The applicant is proposing a unified development plan across the approximately 2.79± acres of land for a 4-story hotel, 30 seat restaurant, and associated parking and landscaping. The proposed project is located within the VUD overlay district which provides required development standards for proposed projects. The VUD district also provides, in Code Section 86-122(f)(2), opportunity for a Waiver from the VUD standards. In addition, Code Section 86-122(l) provides a second Waiver from the VUD standards specific to the required Northern Italian Renaissance style of architecture. The applicant has included, in their application for waiver, requests based on both of these code sections that are detailed in this report. The requested waivers include the following:

1. Waiver from Section 86-122(l)(4)(b) that indicates on-site parking shall not be visible at the street level.
2. Waiver from Section 86-122(o)(1) that indicates parking is prohibited in front of buildings and structures.
3. Waiver from Section 86-122(l)(4)(a) that provides for a front setback of no greater than 15 feet.
4. Waiver from Section 86-122(l)(1) that requires the Northern Italian Renaissance style of architecture.

The requested waiver petition is in addition to submitted zoning map amendment, site and development plan, special exception, and variance petitions. The site and development plan and special exception petitions will be considered and decided upon by Planning Commission and the zoning map amendment, variance and subject VUD waiver will be considered and recommended on by Planning Commission to City Council for ultimate determination. Appropriate stipulations have been included as staff recommendations on the petitions decided upon by Planning Commission to make them contingent on determinations on the petitions that will be decided upon by City Council.

Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, the following summary findings on the subject petitions must be considered:

## Findings:

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

*As indicated, there are no specific Strategies in the Comprehensive Plan regarding request for waiver from the requirements of the VUD district. Regarding the request for waiver from the VUD architectural design standards, the applicant has addressed each of the standards for consideration. This information should be taken into consideration upon determining Comprehensive Plan consistency.*

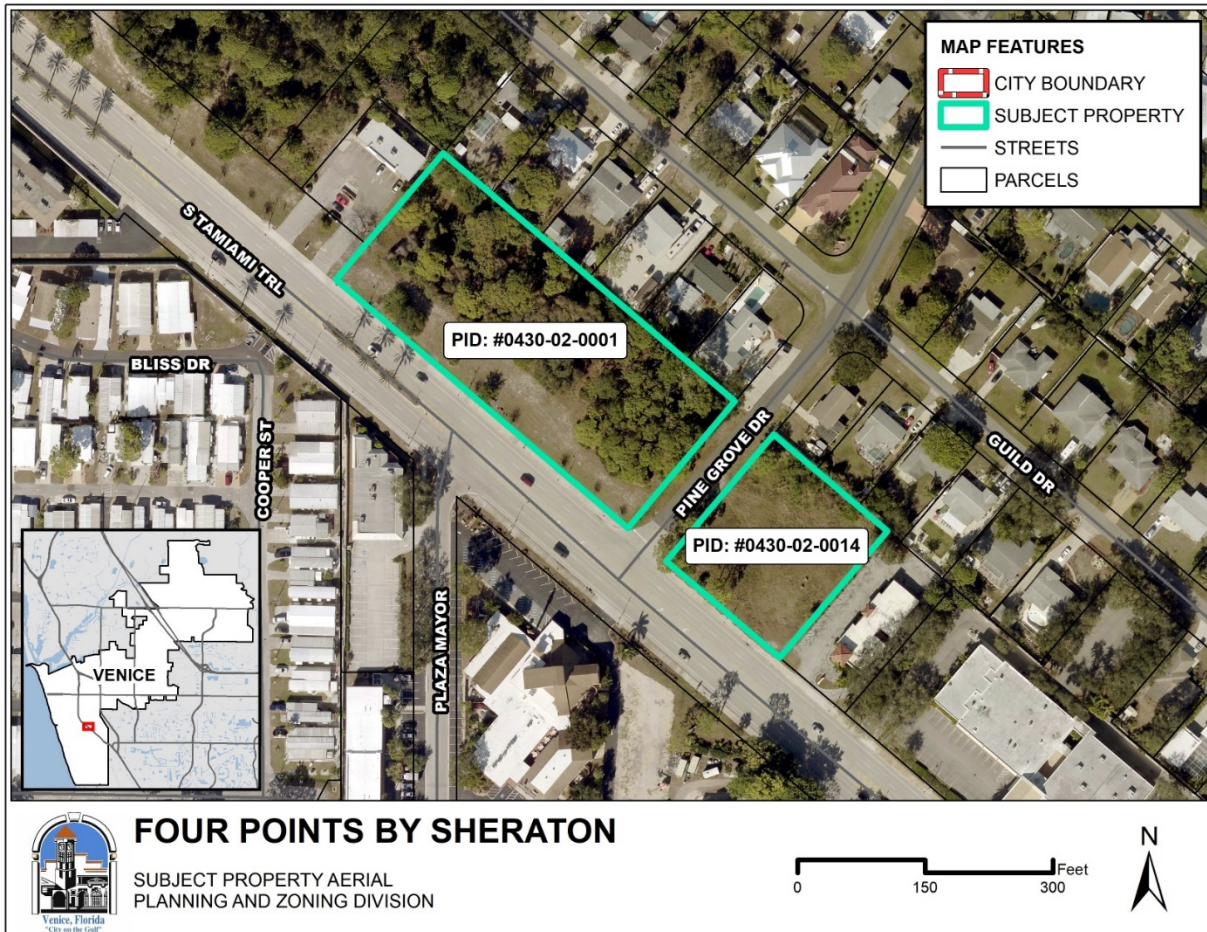
- **Conclusions / Findings of Fact (Compliance with the Land Development Code (LDC)):**

*The subject petition has been processed consistent with the Land Development Code requirements of Section 86-122 and the applicant has provided information required for the subject request.*



## II. EXISTING CONDITIONS

The two subject parcels contain approximately  $2.79 \pm$  acres and are depicted in the aerial below as the “subject property.” The aerial shows the existing use of the subject property as well as adjacent properties. The subject property is located on the north side of S Tamiami Trail (Business 41) and is separated by Pine Grove Drive. The subject property is currently vacant and undeveloped.

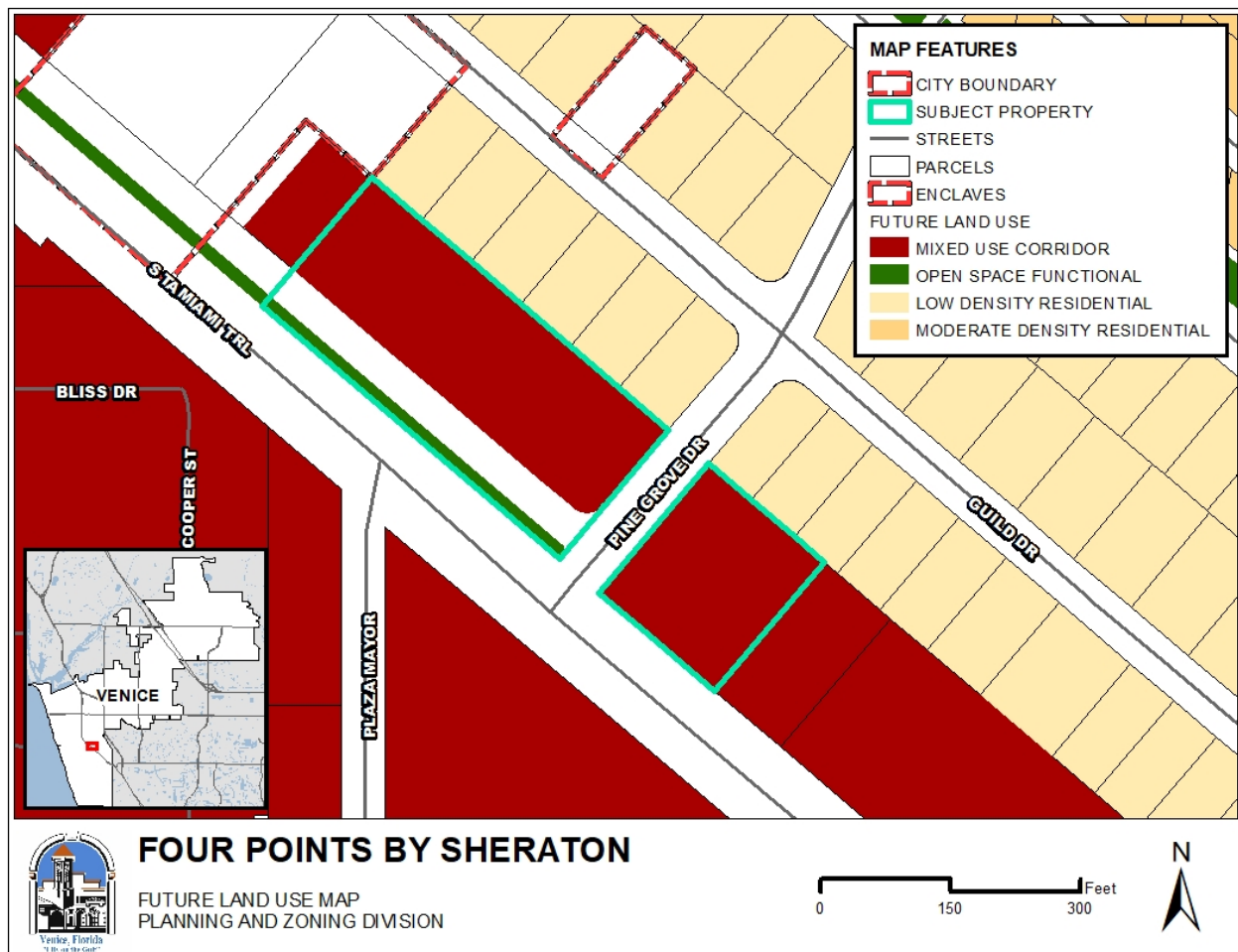






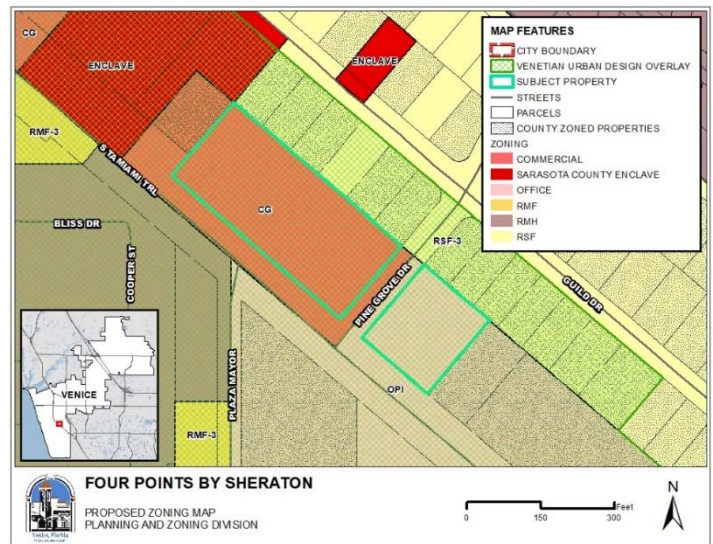
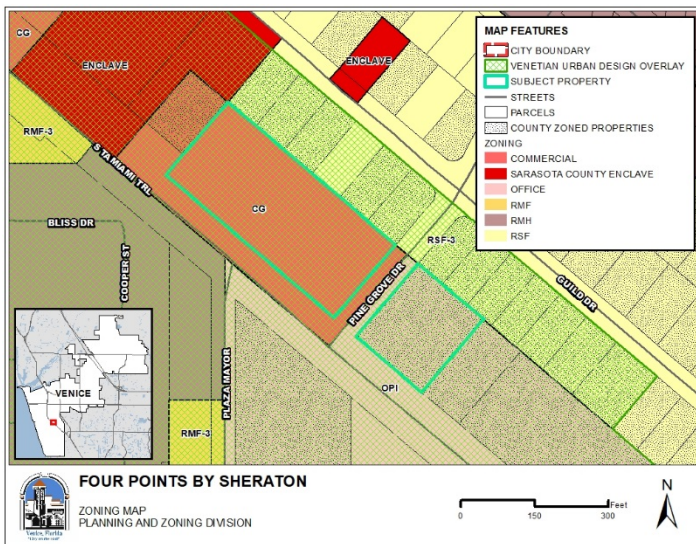
### *Future Land Use*

The subject property is located in the 2,718 acre Island Neighborhood. The following map shows the future land use designation for the subject property and adjacent properties. The subject property has a Mixed Use Corridor (MUC) designation. This same designation is consistent for all adjacent properties surrounding the subject site except north of the subject property where the designation is Low Density Residential.



## Zoning Designation

The map below shows the existing zoning of the subject and adjacent properties. The hotel site is zoned Commercial, General (CG) and the parking lot site is zoned Sarasota County OPI. Both properties are also governed by the Venetian Urban Design (VUD) overlay district. Much of the surrounding property is also under County zoning designations. This will be resolved upon approval and adoption of a new City zoning map at the end of the Land Development Code Update process. The property to the east is zoned County OPI as well as a portion of the property to the south across Tamiami Trail. The remainder of the property to the south across Tamiami Trail is zoned Residential, Manufactured Home (RMH). The property to the west is designated as both County and City CG and the property to the north along Guild Drive is zoned County Residential, Single-Family-3 (RSF-3). It is important to note that the subject property and all the surrounding adjacent properties are governed by the VUD overlay district and have the same rights and privileges provided by the overlay district.



In a concurrently processed zoning map amendment (Rezone Petition No. 18-06RZ), the applicant proposes to change the zoning designation of the smaller parcel proposed for off-site parking from County OPI/VUD to City OPI/VUD. The map on the following page shows the proposed zoning designation of the subject property pursuant to Rezone Petition No. 18-06RZ.

The following table summarizes the existing uses, current zoning, and future land use designations on properties adjacent to the subject property.

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Residential	County RSF-3 and City VUD	Low Density Residential
West	Vacant	County CG/VUD* and City CG/VUD	MUC
South	House of Worship and Residential (Emanuel Lutheran Church and Venice Municipal Mobile Home Park)	County OPI/VUD* and City OPI/VUD and City RMH/VUD	MUC
East	Professional Office (Beebe Design Studio)	County OPI/VUD*	MUC

\*The VUD is a City overlay district.

### III. PROJECT DESCRIPTION

The proposed project includes development of two parcels of land along South Tamiami Trail (Business 41) separated by Pine Grove Drive. The parcel north of Pine Grove Dr. contains approximately 2.01± acres and is proposed for a 4-story hotel with a 30 seat restaurant along with associated parking and landscaping. The hotel will be constructed on the approximately two acre parcel running in a parallel orientation with Business 41 and will be accessed by full access drives on both Business 41 and Pine Grove Drive. The main entrance to the facility will be on Business 41 and includes a canopy with pull off and drop off areas. A secondary hotel entrance is provided in the rear of the building with a circular traffic pattern around the building. The site will include a pool area as well along the Business 41 side of the building and will provide 51 of the required 125 parking spaces.

The parcel south of Pine Grove Dr. contains approximately 0.78± acres and is proposed for the development of a parking lot that will serve the proposed hotel. This site has only one access point located on Pine Grove Dr. and provides the additional 74 parking spaces required for the proposed hotel and restaurant use along with pedestrian connections to the hotel via both Pine Grove and along Business 41. Both the parking lot site and the hotel site provide extensive perimeter landscaping with focused attention on the adjacent properties to the rear of each parcel due to the existing residential single-family uses. The perimeter buffer in this area on the hotel site provides a double row of trees with multiple rows of various shrub species and the parking site includes a single row of trees with multiple rows of shrubs as well. The buffer in this area on both sites also includes an 8 foot tall masonry wall. Regarding the remainder of the project, landscaping is included in all other perimeter buffers on both sites consistent with code requirements along with compliant interior landscaping and foundation plantings.

### **REQUESTED VUD WAIVERS**

As provided above in Section I. of this report, the applicant is requesting waiver of specific standards required by the VUD overlay district. Per Code Section 86-122(f)(2), in order to seek VUD waivers 1-3, the applicant must provide the following:

- a. Identification of the ordinance provision for which the variance is requested;
- b. Description, photos, drawings or plan views which are representative of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the general area;
- c. Description that the benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement;
- d. Description of the hardships, which will accrue to the detriment of the property owner, if the requested waiver is not granted;
- e. Description that the intent and purpose of the chapter and applicable articles are implemented and waiver from any requirement may be reasonably calculated to substantially secure the objectives of the ordinance and the comprehensive plan as well as the requirement so waived;
- f. City council shall approve or deny the waiver application upon a finding in the record that the issuance of the waiver will be in the interest of the public safety, health, or welfare.

Following, is a description of the proposed waiver request, the applicants response to the waiver criteria indicated above along with a graphic depiction of the affected area of the site:

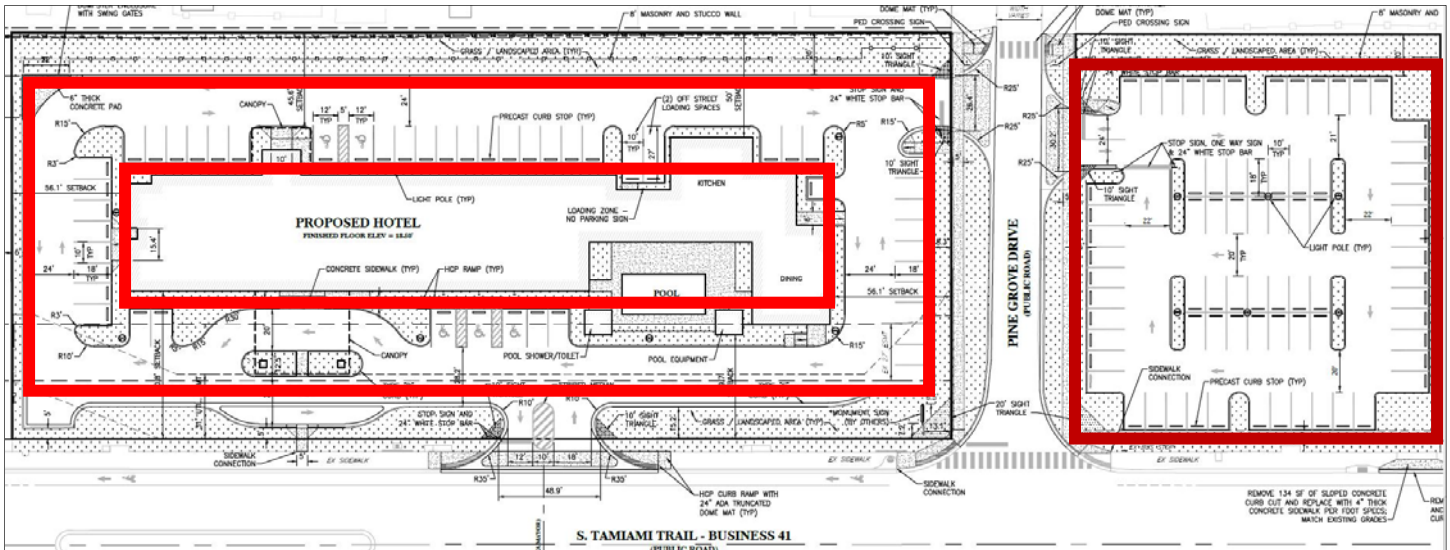
#### **Waiver Request No's. 1-3**

1. Waiver from Section 86-122(l)(4)(b) that indicates on-site parking shall not be visible at the street level.  
The applicant's design of the project provides street level parking on both the main hotel parcel and the



separate parking lot parcel. Obviously the parking lot parcel is completely made up of parking for guests and employees of the hotel. The site provides screening and buffering along all property lines consistent with the requirements of the VUD overlay district with emphasis on the rear of the site adjacent to the existing single-family homes on Guild Drive. Although the landscape buffering proposed by the applicant does screen the parking, it will still be visible from some vantage points.

Regarding the main parcel proposed for the hotel building, the applicant's design includes surface parking on all four sides of the structure, including minimal parking along Tamiami Trail. Similar to the offsite parking, landscape buffering has been included to screen the parking as much as possible. However, it will still be visible from certain locations.

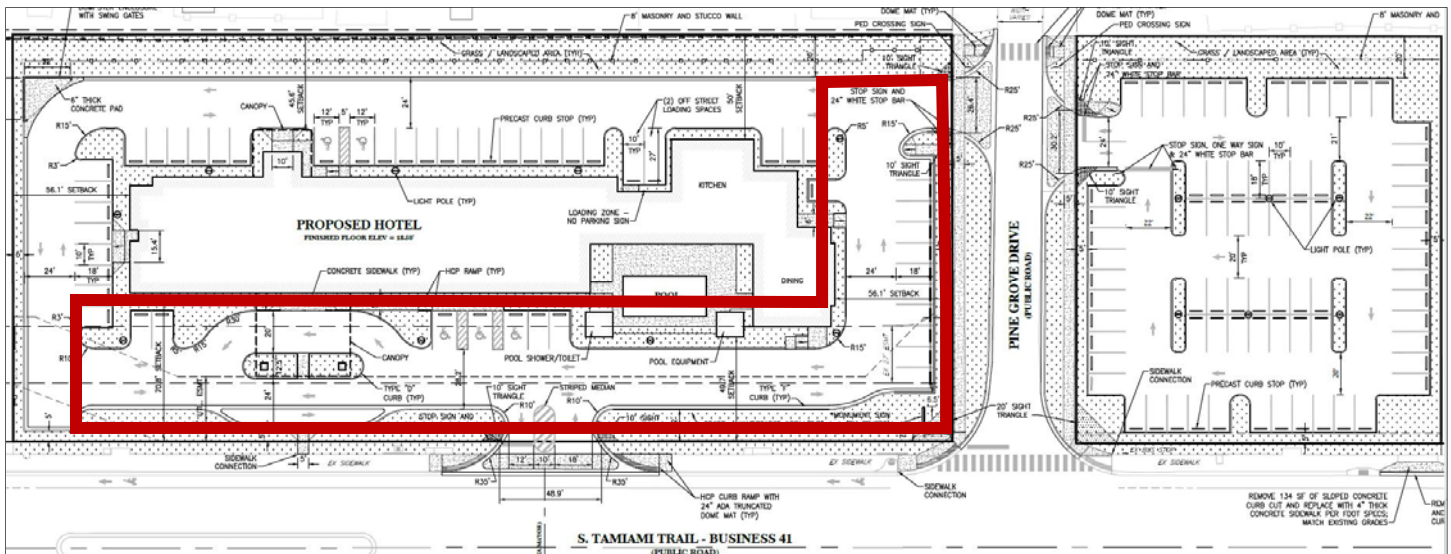


Following is the applicant's justification for the request:

Project seeks waiver from Section 86-122(l)(4)(b) which states that on-site parking shall not be visible at the street level, in order to allow on-site parking that is partially visible at the street level.

- a. *Drawings are attached to this submittal.*
- b. *Benefit to public. Off-street parking is required for customers and for the development. The partial screening of the off-street parking will be similar to many other nearby developments.*
- c. *Hardships. Parking needs cannot be met without additional parking. Project cannot move forward without proper parking counts, both for the City and the Owner.*
- d. *Intent of implementation; hotel site. The 4 parking spaces and 3 handicap spaces in front of the building will be screened with landscape trees, bushes, plantings, and grasses, as well as a 5' high line of shrubs, per applicable buffers. This will in effect "hide" the parking from street view.*
- e. *Intent of implementation; parking lot site. The stand-alone parking will be heavily screened with landscape trees, bushes, plantings, and grasses, as well as a 5' high line of shrubs, per applicable buffers. This will in effect "hide" the parking from street view.*

2. Waiver from Section 86-122(o)(1) that indicates parking is prohibited in front of buildings and structures. As indicated above, the applicant's design includes parking in front of the proposed hotel building. The subject code section states "In order to help promote walkability and community interaction within this mixed-use commercial district, the VUD seeks to mitigate the visual and spatial impact of vehicular parking. As such, the purpose of these standards is to encourage the placement of parking behind buildings and structures."



Following is the applicants justification for the request:

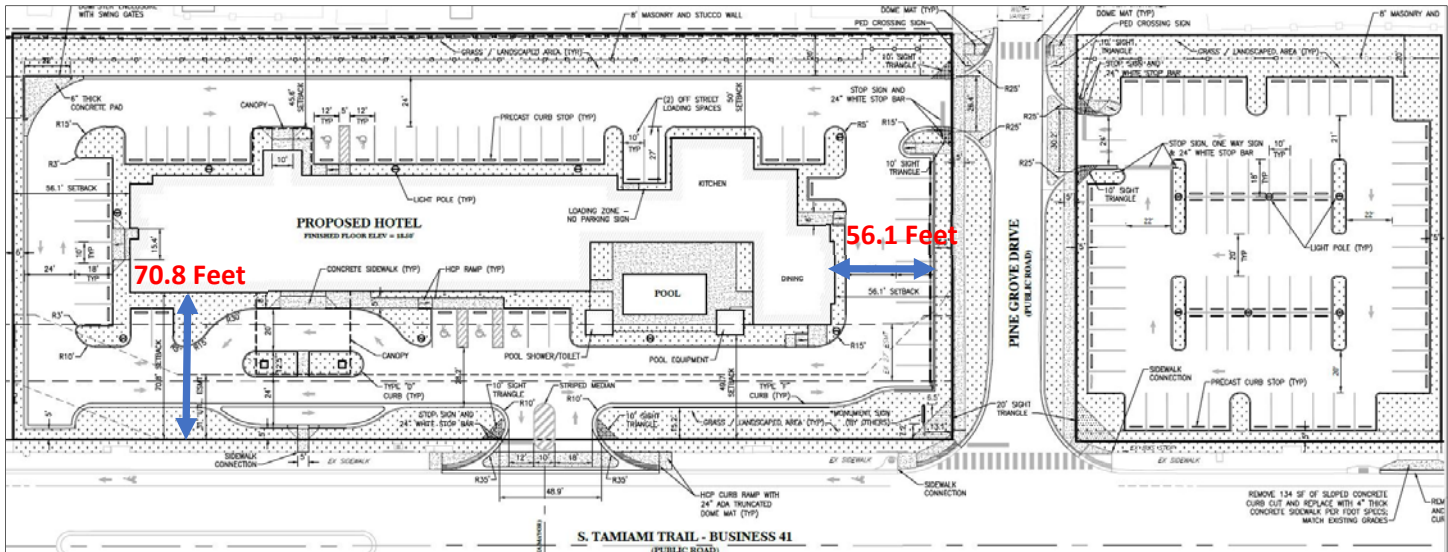
*Project seeks waiver from 86-122(O)(I) which prohibits parking in front of buildings and structures, in order to allow parking in front of the hotel development.*

- a. *86-122.(o)(I) Parking is prohibited in front of buildings and structures.*
- b. *Drawings are attached to this submittal.*
- c. *Benefit to public. Parking is needed for handicap customers at the closest, most direct route to the main entrance. The project along with other site design elements will meet the criteria established in Comprehensive Plan Policies 8.2 and 8.5 to establish compatibility and meet the intentions of the Island Planning Neighborhood.*
- d. *Hardships. Moving handicap parking spaces away from the main entrance would be against ADA requirements. Parking counts need to be met.*
- e. *Intent of implementation. Owner has redesigned site to eliminate almost all parking from in front of building. Handicap parking spaces are required at building entrance by Code, and a few left over spaces (4) remain for parking counts. All parking spaces in the front of the building do not abut the street directly but are aligned across the drive up against the building sidewalk.*

3. Waiver from Section 86-122(l)(4)(a) that provides for a front setback of no greater than 15 feet. This code section indicates that "New buildings shall be sited on the property within the front portion of the property, with a setback no greater than 15 feet from the property line in order to facilitate pedestrian activity by providing a compact, continuous stretch of mixed uses." The applicants design for the project provides for a 70.8 foot setback from the property line along Tamiami Trail to the hotel building which is



the main focus of this code standard. As Pine Grove Drive would also be considered a front yard, the applicant also exceeds the maximum 15 foot setback in this area with the provision of a 56.1 setback.



Following is the applicants justification for the request:

*Project seeks waiver from 86-122(l)(4)(a) which states that new buildings shall be sited on the property within the front portion of the property, with a setback no greater than 15' from the property line, to allow building to be setback from road more than 15'.*

- a. 86-122.(l)(4)a. New buildings shall be sited on the property within the front portion of the property, with a setback no greater than 15' from the property line in order to facilitate pedestrian activity.*
- b. Drawings are attached to this submittal.*
- c. Benefit to public. This is not the type of use that requires pedestrian traffic for normal function. Hotel users are travelers, visitors, vacationers, etc., who all drive for these purposes. A continuous sidewalk does run the entire length of the project along US 41, which provides continuous pedestrian thoroughfare. The project along with other site design elements will meet the criteria established in Comprehensive Plan Policies 8.2 and 8.5 to establish compatibility and meet the intentions of the Island Planning Neighborhood.*
- d. Hardships. Owner needs this type of use to have road frontage recognition for hotel brand. Front entrances are vital to hotel function and branding.*
- e. Intent of implementation. Building has been moved as close to the road as possible while still maintaining an access point at the front door and allowing handicap parking/access to the building.*

### **Required Finding for Waiver Requests 1-3 (VUD Development Standards)**

Section 86-122(f)(2) has the following provision which addresses the review of waiver requests:

*City Council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which*

*includes the following required information.*

The above provision contains two findings which need to be evaluated and reached in taking action on a requested waiver. The two findings are as follows:

Specific application of the site or design requirement makes strict compliance:

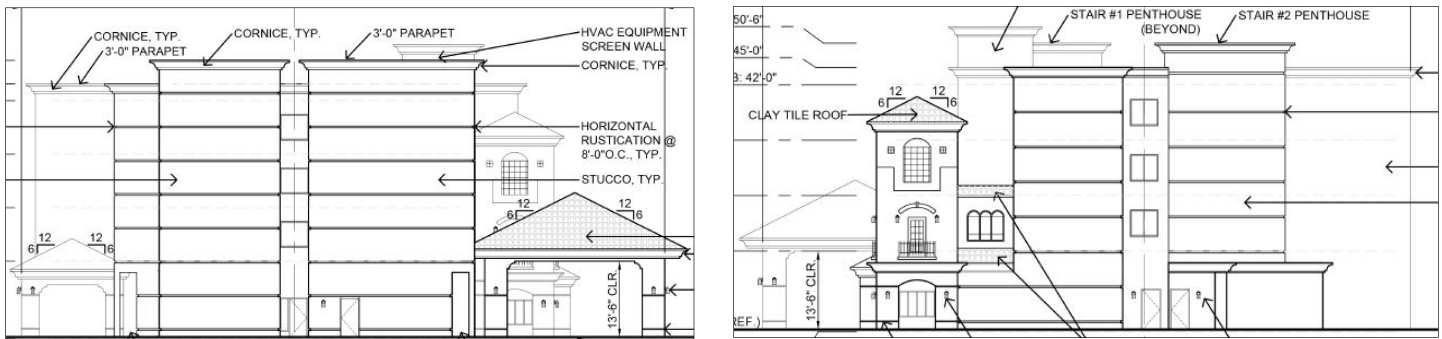
1. An unreasonable burden upon the property, and
2. Presents a difficulty unique to the development of the property.

#### Waiver Request No. 4

4. Waiver from Section 86-122(1)(1) that requires the Northern Italian Renaissance style of architecture.

This code section indicates that “The Northern Italian Renaissance style of architecture, as defined elsewhere in this Code, is required. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.” This is the first of fourteen criteria in the VUD section of the code that is entitled “Architectural Design Standards”. Criteria 2 through 14 of this section, listed below, go on to provide the design standards identified in support of the required Northern Italian Renaissance style of architecture. **These criteria have been addressed by the applicant in a table provided on Sheet A01 of the submitted plans.** Subsection (1)(a) of the code section above provides for a specific waiver of this requirement and states that “Application for waiver from this requirement shall be made to the Planning Commission for review and recommendation to City Council.”





**Architectural Design Standards of the VUD District (addressed by applicant on plan sheet A01)**

- (2) *Building form.* Buildings and structures shall have good scale and be in harmonious conformance with the general intent of the VUD and the surrounding development. Building design shall not be based upon a prototype, which was created without giving consideration to the specific site and the character of the Venetian urban design district. Variety in form and detail with features such as courtyards, arches, projecting or recessed porticos, step-backs, balconies, varying wall styles, or other similar design elements are encouraged. Industrial style metal-sheathed buildings shall be prohibited. All design and materials for structures, including signs, shall be reviewed by the planning commission for consistency in design and scale, structure to structure both on- and off-site.
- (3) *Massing.* One story buildings greater than or equal to 10,000 square feet of gross floor area and multi-story buildings with greater or equal to 20,000 square feet of gross floor area shall be designed with the primary facade having either:
  - a. Offsetting wall planes or upper story setbacks of at least two horizontal feet; or
  - b. Recessed entry space, projecting canopy, or portal.
- (4) *Building placement.*
  - a. New buildings shall be sited on the property within the front portion of the property, with a setback no greater than 15 feet from the property line in order to facilitate pedestrian activity by providing a compact, continuous stretch of mixed-uses.
  - b. On-site parking shall not be visible at the street level.
  - c. Existing buildings will not be required to be relocated to the front of the property.
- (5) *Recesses and projections.* The site should feature staggered recesses and projections rather than flush facades as the site permits. The recesses and projections may incorporate a variety of window features, entry spaces, or courtyards.
- (6) *Balconies.* Where the site permits, balconies over the first floor encourage a pedestrian-oriented streetscape and as such should be encouraged. Balconies are permitted if the size, shape, and number of the balconies are appropriate to the building form and height as determined by the site and development review process and approved by the planning commission.



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- (7) *Roofs.* A building's roof helps define a building's character by ensuring that the building or structure is in scale and is in keeping with the Italian Renaissance architectural style. As such the construction and style of a roof in the VUD shall adhere to the following standards:
- a. Uniform sloping roofs, or any combination of flat and uniform sloping roofs, having a height from eaves to peak that exceeds 80 percent of the average height of the supporting walls are prohibited.
  - b. Flat roof surfaces shall be concealed from public view by parapets.
  - c. Roofs shall be made of clay, terra cotta, metal, or concrete barrel tiles or panel tiles. Roofs made of other materials may be accepted so long as they have the same appearance and hurricane tolerance as these materials.
  - d. Roofs made of all other materials shall be concealed from public view.
- (8) *Walls.* Walls help ensure design consistency and reinforce a community's architectural character. As such, buildings and structures in the VUD shall be built to the following standards:
- a. Stucco is the required building material for all exterior wall surfaces unless a similar appearance surface material is approved by the planning commission during the site and development plan review.
  - b. Metal siding, brick, glass, curtain walls systems, glass block, painted unit masonry, concrete, wood siding, and wood simulated materials may not be used for exterior wall surfaces.
  - c. Applied trim, accent color, and decorative bands, with the exception of stucco, masonry, or concrete control joints, shall be used in such a way as to add character and variety to the building form and community environs.
- (9) *Windows and doors.* Windows and doors help establish a pedestrian-centered walkable business district. As such, building and structures in the VUD shall be built to the following standards:
- a. Area: Wall surface may have greater than 50 percent door, window, and other openings, provided the openings are distinct from one another.
  - b. Location: All doors, windows, and glazed surfaces on structures having a gross floor area greater than 150 feet shall be located at least two feet from outside building corners.
  - c. Glazing: All glazing shall be clear or lightly tinted neutral gray. Mirror-like glazing is prohibited.
  - d. Treatment: Doors and windows in the VUD are encouraged to use decorative architectural features such as:
    1. Frames recessed a minimum of four inches.
    2. Columns, pilasters, rusticated blocks, precast or stucco decorative trim.
    3. Cornices, spandrels, or otherwise articulated lintels.
    4. Semi-circular or triangular pediments.
  - e. Sliding glass doors shall not be visible from a public street.
- (10) *Awnings.* Awnings are permitted if the size, shape, and number of awnings is in proportion to the size and shape of the building openings and do not obscure the building details. If used, awnings shall not be internally illuminated or backlit. Awnings shall be opaque and made of heavyweight vinyl, acrylic, or canvas fabrics. A canopy is an awning with vertical support members separate from the structure to which the fabric material is attached and is allowed so long as it is consistent with the standards for awnings.

- (11) *Shutters.* Shutters are permitted if the size, shape, and number of the shutters is in proportion to the size and shape of the building openings and do not obscure the building details. Roll up hurricane type shutters and security shutters shall be concealed from public view.
- (12) *Decorations and trim.* Decorations and trim help reinforce a community's sense of character and design. As such, buildings and structures in the VUD are encouraged to use design treatments and material that are consistent with the Northern Italian Renaissance style of architecture by following these guidelines:
- Treatment: The type of decorative elements used may include, but not be limited to, balustrades, columns, arches, pilasters, brackets, spandrels, articulated lintels, niches, quoins, patina, and embedded glazed tiled patterns.
  - Material: The material used in the decorations and trim may include: cut stone, intermixed or accent natural stone, pre-cast concrete, plaster and formed stucco, or other materials that have the same appearance of these materials.
- (13) *Color.* Color enhances the personal orientation and character of a community. Color palettes with similar tones and hues create a sense of sameness and monotony, whereas color palettes with variations in tonal and hue characteristics promote harmony and interest. As such the following color palette is encouraged as a guide. Planning commission is to ensure that a variety of color palettes is employed on individual and multiple building structures through the site and development plan process by examining on- and off-site developments to ensure variation of design.
- Roofs: Dark reds, browns, earthtones, greens, and blues.
  - Walls: Creams, ivories, pastels, oranges, grays, blues, reds, and other earthtones.
- (14) *Lighting.*
- Lighting is an essential component of an overall architectural concept and helps both reinforce a community's character and design and promote its sense of safety and walkability. Development projects are encouraged to use lighting fixtures that are consistent with the Northern Italian Renaissance style of architecture and the project's overall design concept. Additionally the lighting should be screened or housed so that the light source may not be visible from the street or adjoining property.
  - No parking lot lamppost lighting shall be greater than 15 feet in height.

Following is the applicants justification for the request:

*Project seeks waiver from 86-122(l)(1) which requires a Northern Italian Renaissance style of architecture, in order to allow a development to partially meets the Northern Italian Renaissance style.*

*a. Drawings are attached to this submittal.*

*b. 86-122(l)(1) states "Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings." Response: The Sheraton at Four Points will incorporate aspects of the Northern Italian Renaissance style. Full compliance with the architectural style is difficult to achieve due to corporate branding and the overall massing of the building. The building will be an enhancement to the US-41 corridor and will be compatible with the surrounding development. The project along with other site design elements will meet the criteria established in Comprehensive Plan Policies 8.2 and 8.5 to establish compatibility and*

*meet the intentions of the Island Planning Neighborhood.*

**Required Finding for Waiver Request 4 (VUD Architectural Standards)**

Section 86-122(l)(2) has the following provision which addresses the review of a waiver request regarding architectural style:

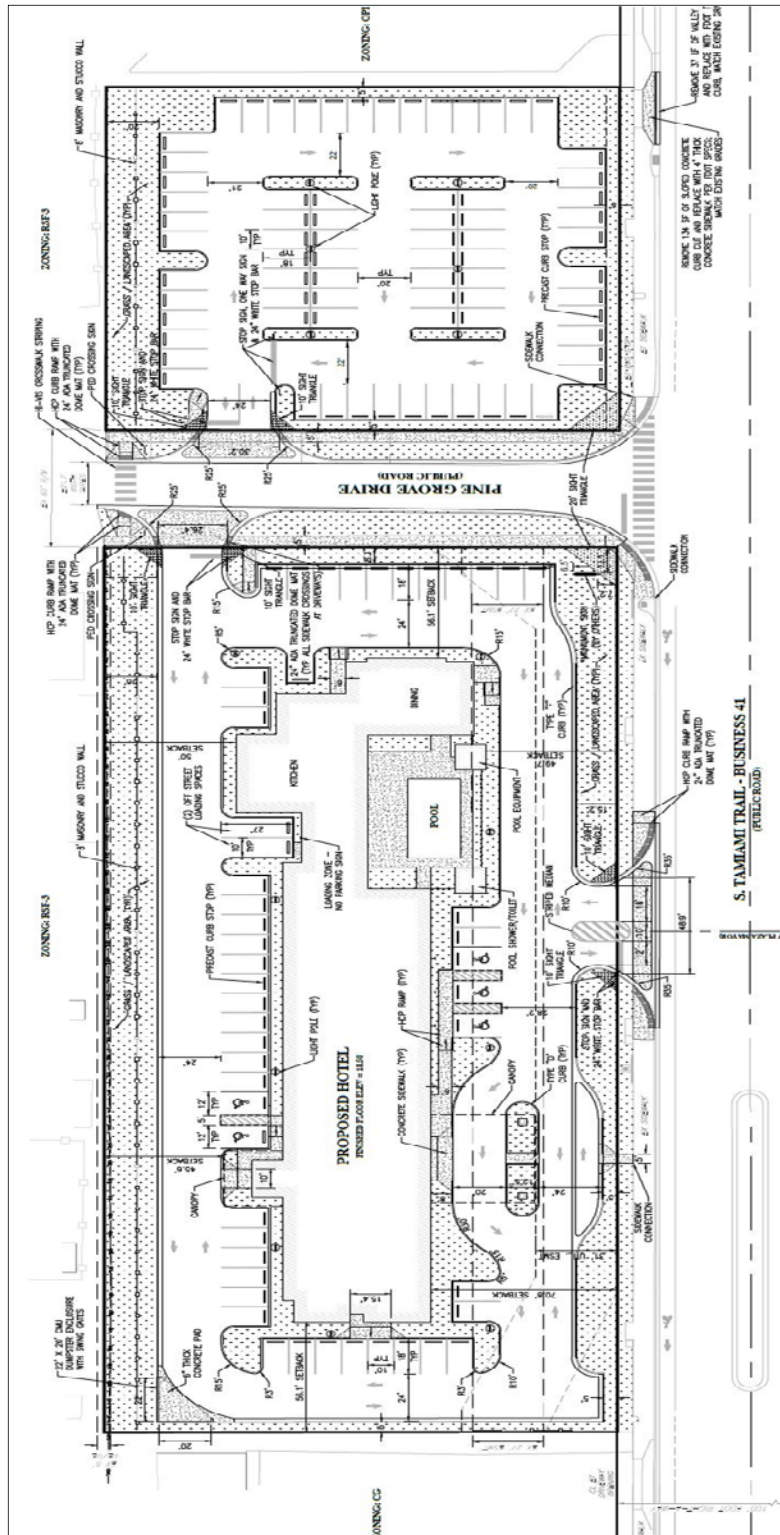
- (l) Architectural design standards . The following architectural design standards for buildings and structures are applicable in the VUD district:*
- (1) Architectural style. The Northern Italian Renaissance style of architecture, as defined elsewhere in this Code, is required. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.*
- a. Application for waiver from this requirement shall be made to the planning commission for review and recommendation to city council.*
- b. The planning commission shall make a written finding to city council that the granting of the waiver will or will not adversely affect the public interest. The report and recommendations of the planning commission shall be advisory only and shall not be binding upon city council.*
- c. City council, after receiving the recommendation from the planning commission, may grant or deny such waiver application and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purpose of the comprehensive plan.*

The above provision contains two findings which need to be evaluated and reached in taking action on a requested waiver. The two findings are as follows:

1. Planning Commission: Granting of the waiver will not adversely affect the public interest.
2. City Council: Upon recommendation by Planning Commission, ensure compliance with the intent and purpose of the Comprehensive Plan.



# PROPOSED SITE PLAN



## IV. PLANNING ANALYSIS

The planning analysis provided in this section of the report evaluates the VUD Waiver Petition for consistency with the comprehensive plan and compliance with the Land Development Code.

### ***A. Consistency with the Comprehensive Plan***

There are no specific policies in the comprehensive plan relating to the requested VUD waivers with the exception of waiver number 4 regarding compliance with the Northern Italian Renaissance style of architecture. Strategy LU 4.1.1 in the Comprehensive Plan provides the transitional language containing requirements related to building height and architectural style for properties located within the former planning areas. Due to the subject properties location in the previous Southern Gateway Corridor (Planning Area C), the project is required to comply with the Northern Italian Renaissance style of architecture. In addition, this Strategy also includes Policy 8.5 with the intent to “implement the City’s architectural and design standards by working with the applicant to ensure that community architectural standards have been addressed.”

As provided previously in this report, there are 13 aspects of architectural design provided in the VUD section of the code that lead a project towards compliance with the required Northern Italian Renaissance style of architecture. The applicant has indicated that the project “*will incorporate aspects of the Northern Italian Renaissance style. Full compliance with the architectural style is difficult to achieve due to corporate branding and the overall massing of the building*”. On plan sheet A01 of the applicants submittal for the waiver request, a table has been provided that lists architectural criteria 2-14 from Section 86-122(l) and provides a column with a heading of “Substantiation of Compliance” that indicates how each criteria has been addressed towards compliance. Planning Commission and City Council will need to evaluate the project to determine whether the appropriate level of compliance has been achieved to confirm consistency with the Comprehensive Plan. Other than this determination, no inconsistencies have been identified with the Comprehensive Plan.

### **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

*As indicated, there are no specific Strategies in the Comprehensive Plan regarding request for waiver from the requirements of the VUD district. Regarding the request for waiver from the VUD architectural design standards, the applicant has addressed each of the standards for consideration. This information should be taken into consideration upon determining Comprehensive Plan consistency.*

### ***B. Compliance with the Land Development Code***

The subject petition has been processed consistent with the procedural requirements contained in Section 86-122 of the LDC and the applicant has provided responses to each of the criteria provided for the consideration of a VUD waiver request. The Technical Review Committee (TRC) has reviewed the petition and no issues regarding compliance with the LDC were identified.

### **Conclusions / Findings of Fact (Compliance with the Land Development Code):**

*The subject petition has been processed consistent with the Land Development Code requirements of Section 86-122 and the applicant has provided information required for the subject request.*

## **VI. CONCLUSION**

### **Planning Commission Action**

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis,, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on the VUD Waiver Petition No. 18-01WV.