



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626
DEVELOPMENT SERVICES - PLANNING & ZONING
WAIVER APPLICATION

WV
18-01

Project Name: Four Points by Sheraton
Parcel Identification No.: 0430020001, 0430020014
Address: 775 & 805 S. Tamiami Trail, Venice, FL
Parcel Size: 2.79 Acres
FLUM designation: MIXED USE CORRIDOR
Zoning Map designation: CG, & County OPI (Prop. for Re-Zone to City OPI)
Property Owner's Name: DAUS Capital LLC - Mr. Jag Pathirana
Telephone: (818) 465-9085
Fax:
E-mail: JPathirana@Landdeveloper.net
Mailing Address: 5950 Canoga Ave.#500, Woodland Hills, CA 91367
Project Manager: RMEC, LLC - Daniel V. Scippo
Telephone: (239) 898-2717
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E-mail: Dan@RMEC-LLC.com
Mailing Address: 2223 McGregor Blvd., Fort Myers, FL 33901
Project Engineer : RMEC, LLC - Ronald M. Edenfield, P.E.
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Mobile / Fax: (239) 980-5588
E-mail: Ron@RMEC-LLC.com
Mailing Address: 2223 McGregor Blvd., Fort Myers, FL 33901
Project Architect: Leese & Associates - Mark Leese
Telephone: (720) 443-9672
Mobile / Fax: (720) 443-9672-Mobile; (303) 788-9333-Fax
E-mail: Mark@LeeseAssoc.net
Mailing Address: 21 Galapago St., Denver, CO 80223

Incomplete applications cannot be processed – See reverse side for checklist

Applicant Signature / Date:

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APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition** (address Section 86-42(e) below)
- ☒ **Public Workshop Requirements.** Date held March 2, 2017
 - ☒ Copy of newspaper ad.
 - ☒ Copy of notice to property owners.
 - ☒ Copy of sign-in sheet.
 - ☒ Written summary of public workshop.

Required findings for approval. 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:

- 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.

Architectural design standards. The following architectural design standards for buildings and structures are applicable in the VUD district:

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.

Public Workshop Requirements - Waiver request. An applicant may petition city council for a waiver from the requirements of conducting a public workshop meeting. The burden to show cause shall rest with the applicant. (Section 86-41)

Fees

Application filing fee \$400 (district standards) or \$200 (waiver of public workshop requirements).

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.



VUD Overlay District Waivers - Narrative

Petition

DAUS Capital, LLC, property of owner of parcels at 775 and 805 S. Tamiami Trail, Venice, FL, seeks approval for waivers to the Venetian Urban Design (VUD) Overlay District.

Background

The project is on the north side of US Business 41 (S. Tamiami Trail) at the intersection of Pine Grove Drive. The site is comprised of two parcels, that front US 41 and are separated by Pine Grove Drive. The larger parcel (2.01 acres) is zoned Commercial General (CG) and contains a recently vacated right-of-way. The smaller parcel (0.78 acres) is zoned by the County as OPI, however a rezoning application is being filed that would rezone the smaller parcel to City of Venice OPI. The total project area is 2.79 acres and will be zoned CG and OPI, pursuant to approval of the requested rezone. Additionally, the development is within the Venetian Urban Design (VUD) overlay.

Project Description

The applicant seeks a Site and Development Plan for a 4-story hotel building that will have 103 guest rooms and a 30-seat restaurant along with associated amenities. Access to the property is proposed from US 41 and Pine Grove Drive. The hotel will be on the larger parcel along with a portion of the off-street parking, while the smaller parcel will only have additional off-street parking spaces.

VUD Waiver Description and Justifications

City of Venice Land Development Code Sec. 86-122. – VUD Venetian Urban Design District

1. 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.

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- 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. 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. Project seeks waiver from 86-122(I)(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.(I)(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.
4. Project seeks waiver from 86-122(I)(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(I)(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.**

5. Required Findings: 86-122 (f)(2) Exemptions/nonconformities. *“Properties are exempt from the VUD standards and therefore considered a nonconformity within the district only when one of the following conditions is met.”*
- a. Identification of the ordinance provision for which the variance is requested; 86-122(f)(2) *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:*
 - 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; **The Sheraton by Four Points, like most hotels, has a guest drop-off / check-in area near the front (main entrance) of the building. Strict compliance with the VUDs elimination of front parking areas would create a hardship upon the development be eliminating (or relocating to a secondary minor access point behind the building) the drop-off / check-in area.**
 - 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; **Response: This project follows the intent and purpose of the VUD chapter by contributing to a pedestrian-friendly, urban mixed-use community. The project enhances the pedestrian corridor with new and additional landscaped sidewalks. The development aims to increase walkability and will supplement many of the existing nearby businesses by placing the building as close as practical to US 41. The development will also meet many aspects of the Northern Italian architectural design requirements while still retaining some elements of the corporate branding commonly associated with Four Points developments. Waiver from some elements of the VUD standards, such as parking in front of the building, still allows project to substantially secure the objectives of**

architectural building design, pedestrian friendly access and enhanced landscape buffering within this mixed-use commercial district. 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.

- 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.



Venice Sheraton by Four Point Comprehensive Plan Consistency

The Venice Sheraton by Four Points is a development at 775 and 805 S. Tamiami Trail. The development will consist of a four-story hotel, restaurant, and associated parking. The future land use designation of the development is Mixed Use Corridor and the site is in the Island Planning District.

The following is a list of examples that the “Venice Sheraton by Four Points” is consistent with the Vision, Intent, and Strategy of the City of Venice Comprehensive Plan. The list will provide the Vision, Intent, or Strategy and then provide a response demonstrating consistency.

Strategy LU 1.2.9. – Mixed Use Corridor

- 1. Envisioned to be located in and support the Island Neighborhood, Laurel Road Corridor, Gateway and Knights Trail Neighborhood.*
- 2. Non-Residential Uses are limited to Commercial and Institutional-Professional.*
- 3. Industrial Use are not permitted*
- 4. Intensity/Density: Non-Residential 0.5 (average) Designation-Wide; 1.0 maximum per individual property.*
- 5. Typically developed utilizing form-based code concepts and standards for building placement, design, and parking.*

Response: The hotel is on a site that has Commercial General (CG) zoning. This district is compatible with the Mixed Use Corridor future land use designation. Additionally, the site at 805 S. Tamiami Trail is proposed for a rezone from Sarasota County Office, Professional, Institutional (OPI) to Venice OPI to provide further compatibility with the Mixed Use Corridor future land use designation.

The project will follow many of the development patterns found along the U.S. 41/S. Tamiami Trail corridor for sites with the Mixed-Use Corridor (MUC) future land use designation. Hotels are conventional commercial uses found along arterial roadways such as U.S. 41 / S. Tamiami Trail.

The Venice Sheraton by Four Points is on a site that is 63,000 sq. ft., however, a Right-of-Way (ROW) vacation was recently along U.S. 41/South Tamiami Trail that added 27,556 sq. ft. of land area to the site. The total site area will be 87,556 sq. ft.

The total size of the development will be 70,068 sq. ft. resulting in an FAR of 0.8. The development’s FAR is below the maximum FAR of 1.0 and is consistent with this strategy.

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A special exception for transient lodging has been filed to allow a hotel in the Venetian Urban District. Upon approval of the Special Exception, the hotel would be allowed in the CG and VUD.

Strategy LU 1.3.3 – Walkable Streets

The City shall promote walkable streets integrated within and between neighborhoods that designs a community based on reasonable walking distances, enhanced landscape design, the location of parking, and the design of streetlights, signs and sidewalks.

Response: The design of the development places the majority of off-street parking spaces behind the main building¹ which reduces the area between the sidewalk and the main building. This design should encourage or promote walkability by reducing the amount of the traffic between the front of the building and the sidewalk. Additionally, the project is proposing new sidewalks on both sides of Pine Grove Drive with crosswalks and sidewalk connections to US 41.

Strategy LU 3.1.1 – Coastal High Hazard – Density

The City shall direct future populations away from the Coastal High Hazard Area so as to achieve a no net increase in overall residential density within the CHHA.

Response: The project will not add any additional density or intensity within the established CHHA.

Figure LU-13 Planning Areas Summary

Island Professional Neighborhood shall have a maximum building height of 42' and shall adhere to the Northern Italian Renaissance architectural standards.

Response: The development is seeking a variance to the building height as allowed per the CG zoning district and waiver from the architectural requirements that implement the Northern Italian Renaissance style is being sought from the Venetian Urban Design (VUD) as allowed by the City's Land Development Code.

¹ Or on a nearby site.

Section IV Elements – Island Neighborhood

Strategy LU-IS 1.1.3 – Mixed Use Corridor (MUC)

This strategy describes the existing level of development and the potential development that can occur on properties with the MUC designation. Maximum FAR is 1.0 for individual sites and maximum square feet for development is 2,134,440.

Response: The proposed development will not exceed a FAR of 1.0 and will not exceed the maximum square footage that is allowed. The project will not add any additional residential units.

Strategy LU 4.1.1 – Policy 8.5

Site Plan Design and Architectural Review Procedures. Implement the City's architectural and design standards by working with the applicant to ensure that community architectural standards have been addressed.

Response: All procedures and requirements for Site and Development Plans are being followed to ensure that the project is compliant with all provisions of the City's Land Development Code.

Strategy LU 4.1.1. – Policy 8.2

Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods. Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions.

Response: The Sheraton by Four Point is adjacent to properties with a residential future land use designation. The Sheraton by Four Points will provide several design elements to ensure that compatibility with the surrounding neighborhood is achieved. The development is providing a landscape buffer and screening between the residential units to the north. The development is also providing a 20-foot building setback to increase the separation between commercial and residential uses. The primary ingress/egress for the project is from the arterial roadway (U.S. 41) and will not be adjacent to the residential areas. This will minimize noise from vehicular traffic that could impact the residential uses. Additionally, the mechanical equipment, loading areas and refuse areas will be screened so that visual impacts are minimized.

Policy 8.2.A-N states the following:

Land Use Compatibility Review Procedures. Ensure that the neighborhood character and design of infill and new development are compatible with existing neighborhoods. Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

A. Land Use Density and Intensity

Response: The Sheraton by Four Points is not proposing any residential units (density) and the intensity of the site will not exceed the maximum FAR of 1.0.

B. Building heights and setbacks

Response: The site will meet all setbacks and the applicant is requesting a variance to allow the Sheraton at Four Points to develop with a height of 42 feet.

C. Character or type of use proposed

Response: The Sheraton by Four Points will be a hotel use. Hotels are an allowed use in the CG zoning district with approval of a special exception. An additional parcel will be used a parking area for the hotel.

D. Site and architectural mitigation design techniques

Response: The Sheraton by Four Point has utilized several design techniques to make the site compatible with the surrounding commercial and residential area. The development will be as close to US 41 as possible to increase separation from nearby homes and provide immediacy to the street. The development will also include extensive landscaping and an eight-foot masonry wall to buffer and shield the residents from noise and activities. The development's access is from US 41 to reduce traffic trips through local trips and increase separation from nearby homes.

E. Protection of single-family neighborhoods from intrusion of incompatible uses

Response: A hotel is not an outright incompatible use with a single-family neighborhood. As discussed earlier, the Sheraton by Four Points has been designed with the nearby residential area in mind. The development has reduced setbacks, enhanced landscaping, minimized access, and an eight-foot masonry wall for screening and buffering.

F. Prevention of the location of commercial or industrial uses where such uses are incompatible with existing uses

Response: Both parcels within the Sheraton by Four Points site have commercial entitlements either through the Future Land Use designation and/or the zoning district. Hotels are allowed in the CG zoning district with a

special exception that can be conditioned to make a development compatible with nearby residential areas. A hotel is not an industrial use and has the potential to much less intrusive than many other high intensity commercial uses.

- G. *The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.*

Response: The Sheraton by Four Points will be developed on a vacant site that does not include any nonconforming uses.

- H. *Densities and intensities of proposed uses as compared to the densities and intensities of existing uses*

Response: The Sheraton by Four Points will not include residential uses or density. Several developments in the nearby area along U.S. 41 have a similar intensity or FAR as the proposed Sheraton by Four Points.

- I. *Providing open space, perimeter buffers, landscaping, and berms*

Response: As discussed earlier, the Sheraton by Four Points has provided a 20-foot wide landscape buffer and an eight-foot masonry wall. The nearby parking area will also have enhanced landscaping to provide further screening and buffering.

- J. *Screening of sources of light, noise, mechanical equipment, refuse areas, delivery, and storage areas*

Response: The eight-foot masonry wall along the rear of the Sheraton by Four Points will screen all mechanical equipment, refuse areas, delivery, and storage areas from view. The development's lighting will be designed to direct light away from residential areas and will meet all applicable lighting regulations.

- K. *Locating road access to minimize adverse impacts*

Response: The main access will be along U.S. 41. This access will limit the residential neighborhoods exposure to additional vehicular trips. Additional signage can be installed to direct customers/employees away from the local streets.

- L. *Adjusting building setbacks to transition between different uses*

Response: The Sheraton by Four Points has been designed to have the smallest front setback while still allowing for proper use of the development. The reduced setback has placed the hotel closer to U.S. 41 and away from residential neighborhoods.

M. Applying step-down or tiered building heights to transition between different uses

Response: The form and function of the hotel does not allow for tiered building heights.

N. Lowering density or intensity of land uses to transition between different uses

Response: The Sheraton by Four Points does not have any density. The hotel is on a single parcel and does not allow for gradual intensity reductions.

Section III – Transportation and Mobility

The project has frontage along U.S. 41/S. Tamiami Trail. This section of roadway is classified as an Urban Major Arterial. According to the Comprehensive Plan, the roadway maintains a Level of Service (LOS) Standard of “C” for vehicular, pedestrian and bicycle traffic.

Response: The project will not generate enough vehicular trips to substantially impact the existing LOS for this roadway segment.

Strategy IN 1.2.5 – Infrastructure Utilization

The City shall maximize existing public utility infrastructure systems by encourage infill development and redevelopment of established service areas.

Response: The development is considered infill development that will utilize existing utility infrastructure for its water and wastewater needs.