



# CITY OF VENICE

Planning and Zoning Department  
 401 W. Venice Avenue, Venice, FL 34285  
 (941)486-2626 ext. 7434 [www.venicegov.com](http://www.venicegov.com)



## CONDITIONAL USE APPLICATION

Submit a complete application package to the Planning and Zoning Department. All information must be legible and will become a permanent part of the public record. Incomplete applications will be returned to the applicant/agent. Refer to the City of Venice Code of Ordinances Section 86-42 for complete conditional use submittal requirements.

<b>PROJECT NAME: Magnolia Bay</b>	
<b>Brief Project Description:</b> This application is to request gated access to the residential subdivisions Rustic Road South and Rustic Road North	
<b>Address/Location:</b> 0 Rustic Road Nokomis, FL 34275	
<b>Parcel Identification No.(s):</b> 0362001007;0362001010; 0364040002	<b>Parcel Size:</b> N/A
<input checked="" type="checkbox"/> Gated Community	<input type="checkbox"/> Height <input type="checkbox"/> Density
<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Residential
<b>Zoning Designation(s):</b> PUD	<b>FLUM Designation(s):</b> MUR
<i>Fees: The Zoning Administrator will determine if a project is a minor or major revision, then select correct fee and review fee below. A review fee shall be deposited to be drawn upon by the city as payment for costs, including but not limited to advertising and mailing expenses, professional services and reviews, and legal fees. If review fee funds fall below 25%, additional funds may be required for expenses. See Section 86-586 (b-d) for complete code. *Extended technical review fee of \$1400 charged at third resubmittal.</i>	
<input checked="" type="checkbox"/> Application Fee: \$4,701.71 <input checked="" type="checkbox"/> Review Fee \$1,076.90	
<b>Applicant/Property Owner Name (will be used for billing):</b> AG EHC II (MTH) Multi State I, LLC, a Delaware limited liability company	
<b>Address:</b> 8585 E HARTFORD DR STE 118, SCOTTSDALE, AZ, 85255	
<b>Email:</b> Steve.benson@agwipam.com	<b>Phone:</b> (619)400-9041
<b>Design Professional or Attorney:</b> Stantec	
<b>Address:</b> 6920 Professional Parkway East Sarasota FL, 34240	
<b>Email:</b> chris.jordan@stantec.com	<b>Phone:</b> (941)907-6900
<b>Authorized Agent (project point of contact):</b> Tyler Vansant (Meritage Homes of Florida, Inc.	
<b>Address:</b> 10117 Princess Palm Ave, Suite 550, Tampa, FL 33610	
<b>Email:</b> Tyler.Vansant@meritagehomes.com	<b>Phone:</b> (813)386-8777

**CONDITIONAL USE Checklist**

Application package is reviewed for completeness by Planning staff. If a document is not being submitted, please indicate N/A and the reason why it is not being submitted.

<input checked="" type="checkbox"/> <b>Application:</b> Signed by agent and applicant.	
<input checked="" type="checkbox"/> <b>Narrative:</b> Provide a statement describing in detail the character and intended use of the development, and confirm consistency with all applicable elements of the City's Comprehensive Plan.	
<input checked="" type="checkbox"/> <b>Agent Authorization Letter:</b> A signed letter from the property owner, authorizing one individual to submit an application and represent the owner throughout the application process. Authorization should not be for a corporation or similar entity. This individual will be the single point of contact for staff.	
<input checked="" type="checkbox"/> <b>Statement of Ownership and Control:</b> Documentation of ownership and control of the subject property (deed). Sarasota County Property Appraiser or Tax Collector records will not suffice. Corporations or similar entities must provide documents recognizing a person authorized to act on behalf of the entity. For multiple parcels collate by parcel the deeds, agent authorizations, and Sunbiz information.	
<input checked="" type="checkbox"/> <b>Legal Description:</b> Must indicate the PID with each respective description in Word format.	
<input type="checkbox"/> <b>Public Workshop Requirements:</b> (Section 86-41) 1. Newspaper advertisement 2. Notice to property owners 3. Meeting sign-in sheet 4. Summary of public workshop 5. Mailing List of Notified Parties (must include registered neighborhood associations) <i>N/A</i>	
<input checked="" type="checkbox"/> <b>Survey of the Property:</b> Signed and sealed survey that accurately reflects the current state of the property. Each parcel must have its own legal description listed separately on the survey, correctly labeled by parcel id. <b>Date of survey:</b>	
<input checked="" type="checkbox"/> <b>Planning Commission Considerations/Findings:</b> Per Code Section 86-42(e)(1-9), prepare a statement for each of the following considerations/findings: (1) Compliance with all applicable elements of the comprehensive plan; (2) General compatibility with adjacent properties and other properties in the district; (3) Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings; (4) Required yards and other open space; (5) Screening and buffering, with reference to type, dimensions and character; (6) Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control; (7) Off-street parking and loading areas, where required; (8) Value added considerations including tax base diversification, employment, and affordable housing unit expansion; (9) Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.	
<p><b>Conditional Use Plans</b> should be electronically signed and sealed. The petition shall include material necessary to demonstrate that the grant of conditional use will be in harmony with the general intent and purpose of Section 86-42, and will not be injurious to the neighborhood or to adjoining properties or otherwise detrimental to the public welfare. Such material may include, but is not limited to the following, where applicable:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <b>Site plans:</b> Plans at an appropriate scale showing proposed placement of structures on the property, and provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces.</li> <li><input checked="" type="checkbox"/> <b>Screening/Buffering Plans:</b> Plans for screening and buffering with reference as to type, dimensions and character.</li> <li><input checked="" type="checkbox"/> <b>Landscape Plans:</b> Proposed landscaping and provisions for trees protected by city regulations as provided in chapter 118, article II of the Code.</li> <li><input checked="" type="checkbox"/> <b>Signage/Lighting Plans:</b> Proposed signs and lighting, including type, dimensions and character.</li> </ul>	
<input checked="" type="checkbox"/> <b>Electronic Files submitted:</b> Provide PDF's of ALL documents, appropriately identified by name. Submit each document as one pdf (not each sheet in an individual pdf). Please title all documents with a clear and concise title (e.g. Application, Narrative, Agent Authorization Letter, Statement of Ownership, Legal Description, etc.).	
<p><i>Technical compliance must be confirmed 30 days before a public hearing will be scheduled. The applicant or agent MUST be present at the public hearing and will be contacted by staff regarding availability. By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property for the duration of the petition.</i></p>	
Authorized Agent Name: <b>Tyler Vansant</b>	Applicant Name: <b>Steven S. Benson</b>
Authorized Agent Signature: 	Applicant Signature: 
Date: <b>3/28/22</b>	Date: <b>3/25/22</b>



April 13, 2022  
File: 215617429

City of Venice  
401 West Venice Avenue  
Venice, Florida 34285

**Attention: Ms. Rebecca Paul**

Dear Ms. Rebecca Paul,

**Reference: Magnolia Bay North and South Entry Gates**

The purpose of this Conditional-Use Application is to request gated access to the residential subdivisions Rustic Road North and Rustic Road South (Order No. 21-05PP/ Order No. 21-03PP, respectively). The infrastructure for the entrances (roadways, curbs, etc.) was accounted for and permitted with the above-mentioned permits. Therefore, this application is solely proposing the gated feature of each entrance. The landscaping and signage for the entryways is being addressed concurrently with a separate Site & Development Application (Magnolia Bay North and South Amenity Signage). Please see the included development plans detailing the proposed gates.

This application is consistent with all applicable elements of the City's Comprehensive Plan. Please see the following address of each item in Policy 8.2 of the current Comprehensive Plan, as requested:

**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:**

**A. Land use density and intensity.**

Response: Not Applicable. The Conditional-Use Application is to request gated access to the residential subdivisions Rustic Road North and Rustic Road South (Order No. 21-05PP/ Order No. 21-03PP, respectively).

**B. Building heights and setbacks.**

Response: Not Applicable.

**C. Character or type of use proposed.**

Response: The Conditional-Use Application is to request gated access to the residential subdivisions Rustic Road North and Rustic Road South.

**D. Site and architectural mitigation design techniques.**

Response: The construction plans for the requested entry gates are included in this application to demonstrate the aesthetics and compatibility to the surroundings.

Reference: Magnolia Bay North and South Entry Gates

**Considerations for determining compatibility shall include, but are not limited to, the following:**

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

Response: Not Applicable. The Conditional-Use Application is to request gated access to the residential subdivisions Rustic Road North and Rustic Road South.

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

Response: Not Applicable.

**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 requested gated access to the residential subdivisions is consistent with the current Comprehensive Plan and will not create incompatibilities.

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

Response: Not Applicable. The Conditional-Use Application is to request gated access to the residential subdivisions Rustic Road North and Rustic Road South. The requested conditional use for gated access to the residential subdivisions will be compatible with the adjacent properties that are also zoned as Planned Unit Development (PUD) and allow the same and/or similar types of development.

**Potential incompatibility shall be mitigated through techniques including, but not limited to:**

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

Response: The landscaping and signage for the entryways is being addressed concurrently with a separate Site & Development Application (Magnolia Bay North and South Amenity Signage).

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

Response: Not applicable.

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

Response: Not applicable.

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

Response: Not applicable.

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

Response: Not applicable.

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

Response: Not applicable.

April 13, 2022  
Ms. Rebecca Paul  
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Reference: **Magnolia Bay North and South Entry Gates**

We believe the enclosed meets the completeness requirements for the Conditional Use Application, however, please do not hesitate to contact our office should you have any questions/concerns.

Regards,

**Stantec Consulting Services Inc.**



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**Dana Driscoll**  
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