



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

RE: **Application for Conditional Use**
Sacks Dwelling Rental
655 Hernando Street

DATE: March 22, 2017

STAFF REPORT

Owner/Applicant: Robert & Deborah Sacks
404 Creekside Circle
Rutherfordton, NC. 28139

Applicant's Request: Approval of a Conditional Use to operate a Dwelling Rental, offering lodging for less than six months. The identified minimum rental period is identified as one (1) week.

Location: 655 Hernando Street

Parcel ID: 2401-503-0026-020-5

Current Zoning: Hutchinson Island Medium Density Residential Zone (R-4A)

Future Land Use: Hutchinson Island Residential (HIR)

Surrounding Zoning:

North	East	South	West
R-4A	R-4A	R-4A	R-4A

Site Size: .03 acres

Utilities: FPUA

Staff Analysis:

Request

In accordance with Sections 22-22, and 22-76 of the City Code, the applicant is requesting the review and approval of a Conditional Use to operate a Dwelling Rental at 655 Hernando Street, offering transient lodging of a minimum of one (1) week to guests. The subject three-story townhome has a finished floor area of 1,298 square feet, containing two (2) bedrooms, two (2) bathrooms and traditional support rooms. An attached single car garage, screened-porch entry and sun deck supplement this residential structure. The subject unit is one of three attached townhomes. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A).

The property is located near the northwest corner of Hernando Street and Gulfstream Avenue. The site is surrounded by multi-family housing to the north, south, east, and west. This site features a primary driveway entrance from Hernando Street. A 5 foot wide sidewalk extends along Hernando Street to the east, along the 132 feet of street frontage of the three (3) attached townhomes.

The applicant presents operational guidelines in an effort to minimize adverse impacts to the adjacent homes. These restrictions include the strict screening of potential renters, requirement of substantial security deposits by guests, and prohibition of large gatherings or parties at the site. The applicant states that the home will be professionally cleaned after each renter, and the yard will be professionally maintained.

The application does not detail specific limits on the quantity of guests or limitations on boats or similar recreational vehicles. Pets are not an allowable amenity for renters.

Dwelling Rentals

Pursuant to City Code Section 22-3. - Definitions—Generally, the rental of any dwelling unit for less than six (6) months, is classified as a “Dwelling rental (dwelling unit)”, and defined as follows: One or more rooms connected together in a building, constituting a separate, independent housekeeping establishment, other than a motel/hotel, for purposes of rental on a daily, weekly or longer basis, though less than what is otherwise provided for a dwelling, physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.

The State of Florida provides further classification if a dwelling is rented for periods of less than thirty (30) days, declaring the use a “Vacation rental”, and defined such use as any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A dwelling rental, as locally defined, is also a Vacation Rental if the duration of stays are less than thirty (30) days. The rental of a dwelling for periods greater than thirty (30) days, but less than six (6) months is a dwelling rental, but not a Vacation Rental.

Table 1, below, presents general characteristics to clarify Dwelling Rentals, and the transitioning threshold for Vacation Rentals.

Table 1 – Dwelling & Vacation Rental Definitions

	Dwelling Rental	Vacation Rental
<i>Length of Stay</i>	Less than 6 months	30 days or less
<i>Lodging Type(s)</i>	Non-Transient (more than 30 days) & Transient Lodging (Vacation Rental)	Transient Lodging
<i>State License Requirement</i>	If rented 30 days or less	Division of Hotels & Restaurants – Vacation Rental License
<i>Public lodging establishment (ADA & Misc. Regulations)</i>	If rented 30 days or less (Vacation Rental)	Public lodging establishment

Zoning & Land Use

The subject site is located within the Hutchinson Island Medium Density Residential Zone (R-4A) district which is designed primarily to establish height and density regulations for lands located within the city which are situated east of the Indian River. The R-4A zone is compatible with the Medium Density Residential Hutchinson Island designation in the comprehensive plan. Permitted gross residential densities in this district may not generally exceed eight (8) units per acre. This district is established because Hutchinson Island is a sensitive barrier island which presents development considerations which are either unique to the area or are of added concern, such as environmental fragility, beach erosion, and hurricane evacuation. Furthermore, the site has a land use designation of Hutchinson Island Residential (HIR).

The Hutchinson Island Residential (HIR) designation is intended for parcels that are best suited for residential development on Hutchinson Island. This future land use category allows single-family detached and attached units, duplexes and multifamily residences at densities ranging up to 8 dwelling units per acre. Limited public uses and commercial uses that are compatible with the surrounding development shall also be allowed.

The presented use of the property represents a limited commercial use, with undefined parameters of intensity or impact. The finished floor area of 1,298 square feet contains two (2) bedrooms, and two (2) bathrooms. The average hotel room size in the United States is approximately 325 square feet, according to the USA Today; therefore the capacity for occupancy of this site surpasses that of a typical lodging room. The use, although limited in comparison to a typical commercial use, or hotel/motel, is not intended to serve the neighborhood, but rather tourists for purposes of public lodging.

Traffic & Parking

The traffic generation from the proposed use is undetermined based upon numerous variables present, and the absence of complete data by the Institute of Transportation Engineers (ITE) Trip Generation Manual. Review of similar uses of this scale, in comparison to impacts of a multifamily housing development, suggest an insignificant effect overall evaluation; however the absence of maximum occupancy, occurrence of short lengths of stay, and frequency of cleaning services are variables that may concentrate trips during seasonal months and weekends, causing elevated traffic impacts during such times.

Pursuant to City Code Section 22-60 (d), b. Motels, hotels and resort hotels shall provide 1.6 spaces for each unit 500 square feet or larger. The subject site features a single (1) car garage, and driveway space for approximately two (2) vehicles. A handicap parking space is required pending approval of stays for periods less than thirty (30) days as the operation would be classified as a public lodging establishment.

Conditional Use

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout the particular zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience and the general welfare. The use as presented features commercial aspects that are not generally appropriate for single-family, low-density environments.

The authorization of a Conditional Use to establish a dwelling rental for periods of less than six (6) months, but greater than thirty (30) days would provide an opportunity for consistency with zoning district and land use designation as the use becomes non-transient, minimizing the commercial nature of the use and potential impacts to the surrounding residential neighborhood. The further limitation of other leading effects of the use may provide greater assimilation of the short-term rental within a single-family district.

City Commission is encouraged to consider parameters regarding the maximum number of occupants allowed, posting of signs, parking, and other limitations to comprehensively address the increased intensity of use and accompanying impacts of the use if approved as a vacation rental, for rental periods of less than thirty (30) days. Since the year 2015; three (3) vacation rentals have been approved, one (1) vacation rental denied, one (1) vacation rental withdrew, two (2) dwelling rentals withdrew and one (1) dwelling rental denied.

Technical Review Committee

All affected departments have reviewed the proposed Conditional Use with regards requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided for viewing by the City Commission.

Planning Board Recommendation:

The Planning Board, at their March 14th, meeting, voted 8 in favor, 2 against; to recommend denial of the requested Conditional Use.

Staff Recommendation:

The proposed use presents the provision of limited transient lodging accommodations to the general public, representing a limited commercial use that is compatible with the surrounding neighborhood of this location, and is generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate restriction therefore; Staff recommends the City Commission **approve** the request with the following conditions:

- 1) The applicant identifies the maximum occupancy of the unit, ensuring compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;
- 2) Registration of the property manager accessible at all times, to resolve complaints or violations of City Code;
- 3) Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
- 4) Installation of one (1) handicap space per City Code Section 22-60 Off-Street Parking and Loading;
- 5) Installation of a bicycle rack (two (2) - space minimum) for guests per City Code Section 22-60 Off-Street Parking and Loading;
- 6) The applicant files for and obtains a City of Fort Pierce Business Tax License within fourteen (14) days of Conditional Use approval; and
- 7) Adherence to the use limitations presented with the application proposal.