



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

RE: Application for Conditional Use
 Deese Dwelling Rental
 1011 Boston Avenue

DATE: January 4, 2018

STAFF REPORT

Owner/Applicant: Kevin & Heather Deese
 1011 Boston Avenue
 Fort Pierce, FL. 34950

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 more than one (1) month.

Location: 1011 Boston Avenue

Parcel ID: 2409-802-0016-000-8

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

Future Land Use: Medium Density Residential (RM)

Surrounding Zoning:

North	East	South	West
R-4	R-3	R-4	R-4

Site Size: .46 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 1011 Boston Avenue, to offer lodging of less than six (6) months and a minimum of one (1) month to guests. The subject property consists of a primary and ancillary structure. The primary structure is a two-story single family home with a finished floor area of 2,128 square feet, containing three (3) bedrooms, two (2) bathrooms and traditional support rooms. A detached two-car garage and guest house supplement this residential structure. The property is not located within a historic district; however the structures on the property were built in the year of 1936 and are considered historic structures. The guest house in the rear of the property was originally a one (1) unit structure (with a staircase) built on stilts. Currently the guest house consists of another unit beneath the original guest house structure. The existing guest house has a finished floor area of 1, 248 square feet, two (2) one bedroom units with a kitchen and full bathroom each. There are no building permit records on file with the City of Fort Pierce for the additional unit. The applicant is seeking to rent both of the two (2) apartments in the rear. The property is zoned Medium Density Residential Zone (R-4).

The property is located near the southeast corner of Boston Avenue and S. 11th Street. The site is surrounded by Samuel D. Bennett, Jr. Memorial Park to the east and single family residences to the north, south, and west. This site features a primary driveway entrance from Boston Avenue; as well as a secondary entrance to the ancillary structure in the rear of the property. A 5 foot wide sidewalk extends along Boston Avenue to the north, along the 150 feet of street frontage of the subject property.

The applicant has presented operational guidelines in an effort to minimize adverse impacts to the adjacent homes. The applicant has stated that marketing will be geared toward professionals. Restrictions include the strict screening of potential renters and requirement of substantial security deposits by guests. The applicant lives in the primary structure and will serve as the on-site Property Manager for the dwelling rental.

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 of a dwelling is rented for periods of less than one (1) month, 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 31 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 one (1) month. The rental of a dwelling for periods greater than one (1) month, 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
Length of Stay	Less than 6 months	30 days or less
Lodging Type(s)	Non-Transient (more than 30 days)	Transient Lodging
State License Requirement	If rented 30 days or less (Vacation Rental)	Division of Hotels & Restaurants – Vacation Rental License
Public lodging establishment (ADA & Misc. Regulations)	If rented 30 days or less (Vacation Rental)	Public lodging establishment

Zoning & Land Use

The subject site is located within the Medium Density Residential Zone (R-4) district which is designed to accommodate a variety of housing types, including conventional single-family dwellings, duplexes and, where desirable, townhome dwellings, mobile homes or multifamily housing with three (3) or more dwelling units. Maximum gross densities should generally not exceed ten (10) units per acre for conventional developments and twelve (12) units per acre for innovative residential developments. This intensity of residential use is envisioned for locations which have public water and sewer service and which have adequate access to arterial or collector streets. Certain nonresidential uses are permitted under the parameters and safeguards set forth in this section. Furthermore, the site has a land use designation of Medium Density Residential (RM).

The Medium Density Residential (RM) designation is intended for parcels that are best suited for multifamily residential uses ranging in density from 6.5 to 12 dwelling units per acre. This category allows small-lot single family units and multifamily dwellings including duplexes, condominiums and townhomes. Limited commercial uses intended to serve the residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This category combines the previously allowed Medium Density Residential (Rme) and Moderate Density Residential (Rmo) categories.

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 Manuel. 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 one (1) car garage, a two (2) car carport and driveway space to both the primary and ancillary structure.

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 one (1) month 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.

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 December 12th meeting, voted unanimously in favor to recommend approval of the requested Conditional Use. A total of 30 notifications of the proposal were mailed to owners of property located within 500 feet of the subject property. A tally of the garnered responses will be provided to the City Commission at the public hearing.

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 maximum occupancy of each unit does not exceed two (2) individuals; two individuals per bedroom, 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 (available from Code Enforcement) for renters regarding local rules and public service resources to minimize conflicts;
- 4) The applicant may be required to obtain a Change of Use permit through the Building Department and receive Certificate of Completion, prior to filing for St. Lucie County & Fort Pierce Business Tax Licenses; and
- 5) Limit no more than 2 vehicles (one vehicle per unit).

