



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

RE: **Application for Conditional Use**
Arenas Dwelling Rental
1218 S. 11th Street

DATE: January 4, 2018

STAFF REPORT

Owner: Raul Arenas
 1218 S. 11th Street
 Fort Pierce, FL. 34950

Applicant: Andy Drucker
 3475 Sheridan Street, # 301
 Hollywood, FL. 33021

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) month.

Location: 1218 S. 11th Street

Parcel ID: 2415-703-0063-000-7

Current Zoning: Single-Family Low Density Zone (R-1)

Future Land Use: Low Density Residential (RL)

Surrounding Zoning:

| | | | |
|-------|------|-------|------|
| North | East | South | West |
| R-1 | R-1 | R-2 | R-1 |

Site Size: .31 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 1218 S. 11th Street, to offer lodging of less than six (6) months and a minimum of one (1) to guests. The subject property consists of a single-family residence. The single-family structure is a one-story single family home with a finished floor area of 2,573 square feet, containing four (4) bedrooms, three(3) bathrooms and traditional support rooms. An attached two-car garage and a driveway for parking supplement this residential structure. The property is not located within a historic district. The applicant would prefer long term renters of six (6) months or more but would also like to seek approval for rentals of one (1) month or more and less than six (6) months. The property is zoned Single-Family Low Density Zone (R-1).

The property is located near the northeast corner of Mississippi Avenue and S. 11th Street. The site is surrounded by single family residences to the north, south, east and west. This site features a driveway entrance from S. 11th Street that leads to a two-car garage. There are no sidewalks along the 142.3 feet of S. 11th Street frontage and no sidewalks along the 115.05 feet of Mississippi Avenue frontage of the subject property.

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.

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 at a minimum of 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 |
|--|--|---|
| <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 |
| <i>State License Requirement</i> | If rented 30 days or less (Vacation Rental) | 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 Single-Family Low Density Zone (R-1) district which is designed to provide for areas of single-family dwellings with an average net density of less than four (4) units per acre for conventional developments. Regulations for the district are designed to promote sound neighborhoods and accommodate compatible nonresidential uses. Water and sewer service should be available. Furthermore, the site has a land use designation of Low Density Residential (RL).

The Low Density Residential (RL) designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and multifamily residences. Limited commercial uses intended to serve the neighborhood 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 land use category ranges in density from 1 to 6.5 dwelling units per acre. This category combines the previously allowed Residential Suburban (RS), Residential Urban (RU) and Low Density Residential (RI) 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 two (2) car garage, and driveway space for approximately two (2) vehicles.

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 4 in favor, 3 against; to recommend approval of the requested Conditional Use. A total of 49 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 the home does not exceed eight (8) individuals; 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; and
- 4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.
- 5) Limit no more than 4 vehicles.