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**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Jennifer Hofmeister, AICP, LCAM, Planning Director

**FROM:** Vennis Gilmore, Planner

**RE:** **Danaluk Vacation Rental**  
**715 S. Ocean Drive, Unit D**

**BOARD DATE:** October 21, 2019

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**STAFF REPORT**

**Owner:** Nicholas Danaluk Jr.  
1425 SW Edinburgh Drive  
Port St. Lucie, FL 34953

**Applicant:** Michelle Longarzo  
1425 SW Edinburgh Drive  
Port St. Lucie, FL 34953

**Applicant's Request:** Approval of a Conditional Use to operate a Vacation Rental, offering lodging for less than six months. The minimum rental period is identified as two days.

**Location(s):** 715 S. Ocean Drive, Unit D

**Parcel ID:** 2401-504-0004-000-2

**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 |

**Utilities:** FPUA

**Staff Analysis:**

**Request**

In accordance with Sections 22-22 and 22-76 of the City Code, the applicant is requesting review and approval of a Conditional Use to operate a Vacation Rental at Unit D of the Boardwalk Condominiums, located at 715 S. Ocean Drive. The subject condominium is a one-bedroom and one-bathroom condo unit. Each condo unit has one designated parking space, with additional guest parking spaces. The proposed Conditional Use will offer lodging of less than six months with a minimum stay of two days to guests. Additionally, the applicant is also proposing to provide gratis use to the Kid’s Cancer Foundation, a 501(c)(3), during available intervals, at the subject residence.

The property is located at the southwest corner South Ocean Drive and Gulfstream Avenue. The subject site is surrounded by single-family homes to the east and west, and condominiums to the north and south. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A).

**Dwelling Rentals**

Pursuant to City Code Section 22-3. – Definitions - Generally, the rental of any dwelling unit for less than six 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.”

The State of Florida provides further classification of a dwelling that is rented for periods of less than one month. Pursuant to Florida State Statute 509.242, declaring the use a “Vacation Rental,” defines such use as any 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 one 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-one days. The rental of a dwelling for periods at a minimum of thirty-one days, but less than six 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**

|  | <b>Dwelling Rental</b>                         | <b>Vacation Rental</b>  |
|--|--|---|
| <b><i>Length of Stay</i></b>   | Less than 6 months                             | 30 days or less   |
| <b><i>Lodging Type(s)</i></b>  | Non-Transient<br>(more than 30 days)           | Transient Lodging   |
| <b><i>State License Requirement</i></b>                                      | If rented 30 days or less<br>(Vacation Rental) | Division of Hotels & Restaurants –<br>Vacation Rental License |
| <b><i>Public lodging establishment<br/>(ADA &amp; Misc. Regulations)</i></b> | If rented 30 days or less<br>(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 was established because Hutchinson Island is a sensitive barrier island that presents development considerations which are either unique to the area or are of added concern, such as environmental fragility, beach erosion, and hurricane evacuation.

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 eight dwelling units per acre. Limited public uses and commercial uses that are compatible with the surrounding development shall also be allowed. The HIR district was previously referred to as "Medium Density Residential Hutchinson Island (Rmhi)."

### **Parking**

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 condominium features one designated parking space, with additional shared guest parking spaces.

### **Conditional Use**

As stated in City Code Section 22-74, the purpose of the Conditional Use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout a 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.

### **Technical Review Committee**

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

### **Property Owner Response Summary**

A total of 158 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. As of October 9, 2019, there have been no responses by adjacent property owners in opposition to the request. An update will be provided to the City Commission at the public hearing.

### **Planning Board Recommendation**

The Planning Board, at their September 17th, 2019 meeting, voted 4-2 to recommend **Disapproval** of the request.

**Staff Recommendation:**

The proposed use presents the provision of transient lodging accommodations to the general public, representing a limited commercial use that is compatible with the surrounding neighborhood, and is generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate restrictions. Therefore, Staff recommends **APPROVAL** with the following eight conditions:

- 1) The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
- 2) Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
- 3) The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.
- 4) There shall be a limitation of no more than no two vehicles at the site.
- 5) The City of Fort Pierce Business Tax License number shall be included on all advertising.
- 6) The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.
- 7) Installation of one handicap space per City Code Section 22-60 Off-Street Parking and Loading (if not already present).
- 8) Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along their property line that abuts Hernando Street.

### Property Identification

|               |                     |
|---------------|---------------------|
| Site Address: | 715 S OCEAN DR D    |
| Parcel ID:    | 2401-504-0004-000-2 |
| Account #:    | 15011               |
| Map ID:       | 24/01G              |
| Use Type:     | 0400                |
| Zoning:       | R4A                 |
| City/County:  | Fort Pierce         |

### Ownership

Nicholas Alex Danaluk Jr  
1425 SW Edinburgh DR  
Port St Lucie, FL 34953

### Total Areas

Finished/Under Air (SF):  
Gross Sketched Area (SF):  
Land Size (acres):  
Land Size (SF):

### Legal Description

BOARDWALK CONDOMINIUM UNIT D

### Current Values

|                    |          |
|--------------------|----------|
| Just/Market Value: | \$71,400 |
| Assessed Value:    | \$71,400 |
| Exemptions:        | \$0      |
| Taxable Value:     | \$71,400 |

**Property taxes are subject to change upon  
change of ownership.**

- Past taxes are not a reliable projection of future taxes.
- The sale of a property will prompt the removal of all exemptions, assessment caps, and special classifications.

Taxes for this parcel: [SLC Tax Collector's Office](#)

Download TRIM for this parcel: [Download PDF](#)

Michelle Franklin, CFA -- Saint Lucie County Property Appraiser -- All rights reserved.

**Building Information**

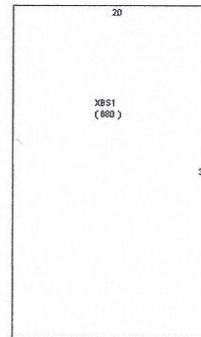
**Finished Area: 680 SF**  
**Gross Sketched Area: 680 SF**

Exterior Data

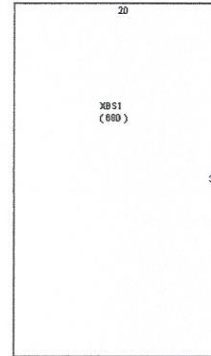
|                 |           |
|-----------------|-----------|
| Building Type:  | X019      |
| Grade:          | X19B      |
| Year Built:     | 1982      |
| Effective Year: | 1982      |
| No. Units:      | 1         |
| Primary Wall:   | CB Stucco |
| Secondary Wall: |           |
| Roof Cover:     |           |
| Roof Structure: |           |
| View:           |           |
| Frame:          |           |
| Story Height:   | 1 Story   |

Interior Data

|                   |    |
|-------------------|----|
| Bedrooms:         | 1  |
| Full Baths:       | 1  |
| Half Baths:       | 0  |
| Primary Int Wall: |    |
| Primary Floors:   |    |
| Avg Hgt/Floor:    | 0  |
| Heat Type:        |    |
| Heat Fuel:        |    |
| Electric:         |    |
| A/C %:            | 0% |
| Heated %:         | 0% |
| Int Sprinkler %:  | 0% |



All information is believed to be correct at this time, but is subject to change and is provided without any warranty.  
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### Special Features and Yard Items

### Current Year Values

#### Current Values Breakdown

|                            |          |
|----------------------------|----------|
| Building:                  | \$71,400 |
| Land:                      | \$0      |
| Just/Market:               | \$71,400 |
| Ag Credit:                 | \$0      |
| Save Our Homes or 10% Cap: | \$0      |
| Assessed:                  | \$71,400 |
| Exemption(s):              | \$0      |
| Taxable:                   | \$71,400 |

#### Current Year Exemption Value Breakdown

#### Current Year Special Assessment Breakdown

| Start Year | AssessCode | Units | Description                   | Amount  |
|------------|------------|-------|-------------------------------|---------|
| 1999       | 0041       | 0.6   | Fort Pierce Stormwater Charge | \$41.40 |

This does not necessarily represent the total Special Assessments that could be charged against this property. The total amount charged for special assessments is reflected on the most current tax statement and information is available with the SLC Tax Collector's Office [\[icon\]](#).

### Historical Values

### Permits

Notice: This does not necessarily represent all the permits for this property.  
 Click the following link to check for additional permit data in Fort Pierce

All information is believed to be correct at this time, but is subject to change and is provided without any warranty.  
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### Property Identification

|               |                     |
|---------------|---------------------|
| Site Address: | 715 S OCEAN DR D    |
| Parcel ID:    | 2401-504-0004-000-2 |
| Account #:    | 15011               |
| Map ID:       | 24/01G              |
| Use Type:     | 0400                |
| Zoning:       | R4A                 |
| City/County:  | Fort Pierce         |

### Ownership

Nicholas Alex Danaluk Jr  
1425 SW Edinburgh DR  
Port St Lucie, FL 34953

### Total Areas

Finished/Under Air (SF):  
Gross Sketched Area (SF):  
Land Size (acres):  
Land Size (SF):

### Legal Description

BOARDWALK CONDOMINIUM UNIT D

### Current Values

|                    |          |
|--------------------|----------|
| Just/Market Value: | \$71,400 |
| Assessed Value:    | \$71,400 |
| Exemptions:        | \$0      |
| Taxable Value:     | \$71,400 |

**Property taxes are subject to change upon change of ownership.**

- Past taxes are not a reliable projection of future taxes.
- The sale of a property will prompt the removal of all exemptions, assessment caps, and special classifications.

Taxes for this parcel: [SLC Tax Collector's Office](#)  
Download TRIM for this parcel: [Download PDF](#)

### Sale History

|            |                          |
|------------|--------------------------|
| Date:      | Mar 22, 2019             |
| Book/Page: | 4256 / 0514              |
| Sale Code: | 0111                     |
| Deed:      | WD                       |
| Grantor:   | Danaluk Jr Nicholas Alex |
| Price:     | \$0                      |
| Date:      | Mar 22, 2019             |
| Book/Page: | 4247 / 1302              |
| Sale Code: | 0001                     |
| Deed:      | WD                       |
| Grantor:   | Latouche Joseph H        |
| Price:     | \$120,000                |
| Date:      | Mar 22, 2019             |
| Book/Page: | 4247 / 1302              |
| Sale Code: | 0001                     |
| Deed:      | WD                       |

|            |                     |
|------------|---------------------|
| Grantor:   | Wise Susan          |
| Price:     | \$120,000           |
| Date:      | Dec 10, 2014        |
| Book/Page: | 3702 / 1933         |
| Sale Code: | 0001                |
| Deed:      | WD                  |
| Grantor:   | Blocker Jr Jackie M |
| Price:     | \$79,900            |
| Date:      | May 25, 2014        |
| Book/Page: | 3639 / 0311         |
| Sale Code: | 0001                |
| Deed:      | WD                  |
| Grantor:   | Brown Timothy W     |
| Price:     | \$77,000            |
| Date:      | Jun 17, 2013        |
| Book/Page: | 3532 / 2780         |
| Sale Code: | 0001                |
| Deed:      | WD                  |
| Grantor:   | George Frederick D  |
| Price:     | \$10,000            |
| Date:      | Apr 3, 1998         |
| Book/Page: | 1136 / 1736         |
| Sale Code: | XX02                |
| Deed:      | WD                  |
| Grantor:   | Roger J Hites       |
| Price:     | \$98,000            |
| Date:      | May 1, 1985         |
| Book/Page: | 0465 / 1625         |
| Sale Code: | XX02                |
| Deed:      | CV                  |
| Grantor:   |                     |
| Price:     | \$455,000           |

### Building Information (1 of 1)

Finished Area: 680 SF

Gross Sketched Area: 680 SF

#### Exterior Data

View:  
 Building Type: X019  
 Grade: X19B  
 Story Height: 1 Story

Roof Cover:  
 Year Built: 1982  
 Effective Year: 1982  
 No. Units: 1

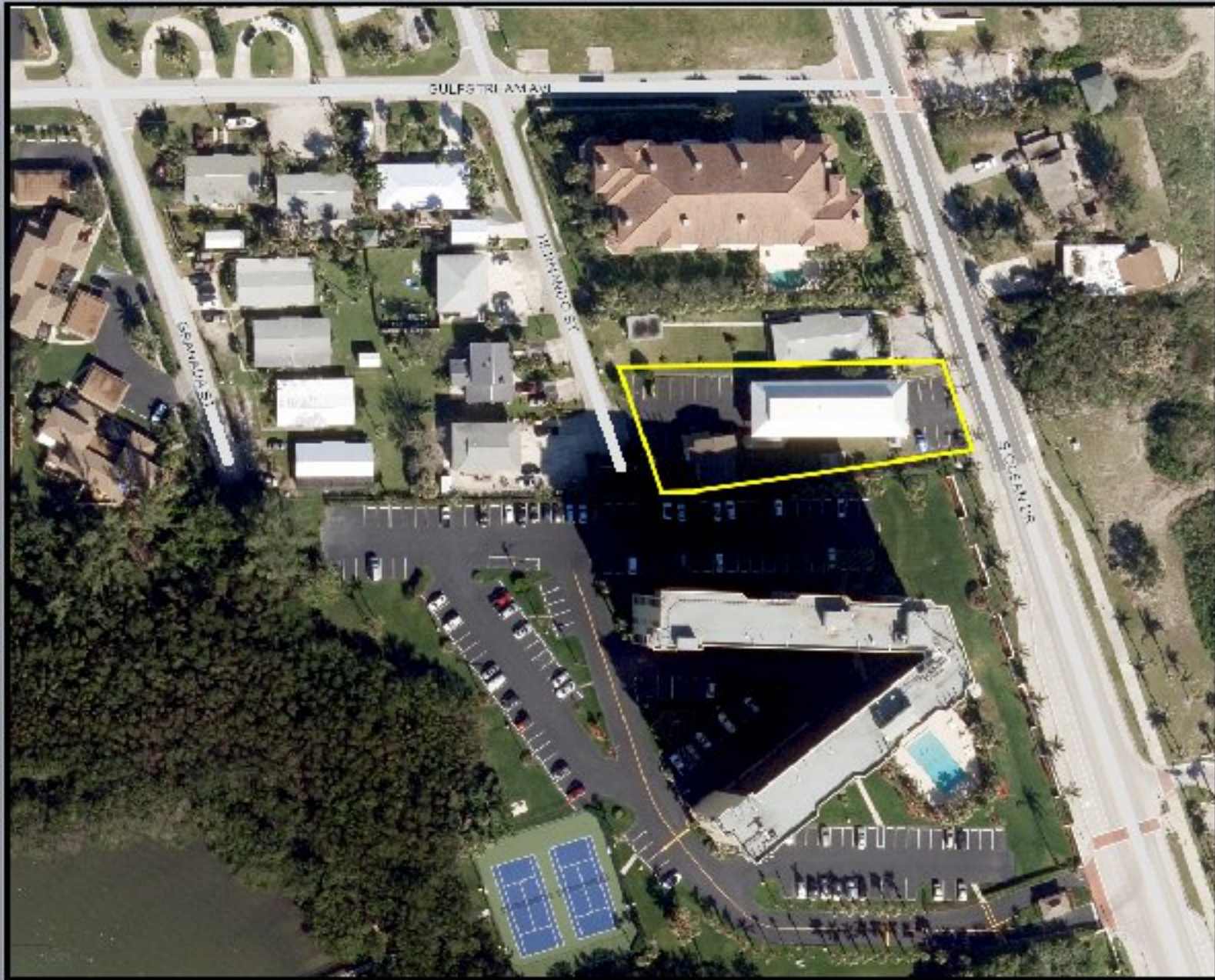
Roof Structure:  
 Frame:  
 Primary Wall: CB Stucco  
 Secondary Wall:

#### Interior Data

Bedrooms: 1  
 Full Baths: 1  
 Half Baths: 0  
 A/C %: 0%

Electric:  
 Heat Type:  
 Heat Fuel:  
 Heated %: 0%

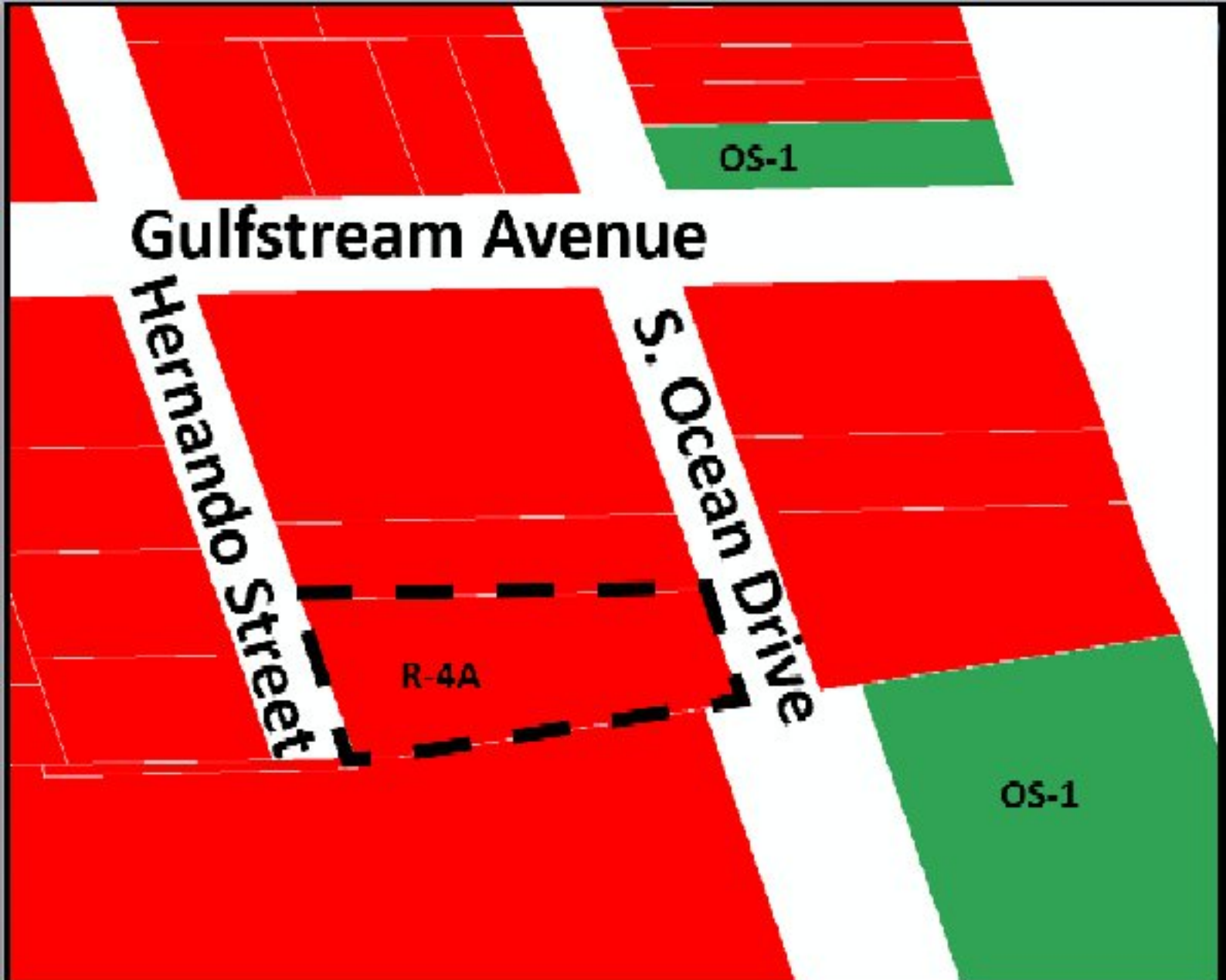
Primary Int Wall:  
 Avg Hgt/Floor: 0  
 Primary Floors:  
 Sprinkled %: 0%



**Danaluk Vacation Rental**  
**E 715 S. Ocean Dr., Unit D**  
**Aerial Map**



THE SUNRISE CITY  
**FORT PIERCE**  
*Florida*



**Conditional Use**  
**Danaluk Vacation Rental**  
**715 S. Ocean Drive, Unit D**

**R-4A =**  **OS-1 =** 



THE SUNRISE CITY  
**FORT PIERCE**  
*Florida*

**Zoning Map**



Michelle Longarzo  
1425 SW Edinburgh Drive  
Port St. Lucie, FL. 34953  
Re: Conditional Use – Danaluk Vacation Rental – 715 S. Ocean Drive, Unit D

Dear Ms. Longarzo,

The following are comments from the Planning Department's review of the application for a Conditional Use with No New Construction in the R-4A, Hutchinson Island Medium Density Residential Zone **(Please Provide a Written Response and any revisions to all responsible Departments by August 26th to be placed on the September 10th Planning Board Agenda):**

- 1) The maximum occupancy of the home ensures 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-one (31) days of Conditional Use approval.**
- 5) Limit no more than 2 vehicles.**
- 6) Include the City of Fort Pierce Business Tax property control number on all advertising.**
- 7) Installation of one (1) handicap space per City Code Section 22-60 Off-Street Parking and Loading (if not already present); and**
- 8) Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur: (4) Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Please**

**install a sidewalk along Hernando Street within thirty-one (31) days of Conditional Use approval.**

If deemed necessary, please provide a written response to each comment in order to expedite the review of any subsequent submittals. Please contact me should you have any questions regarding the project at (772) 467-3741 or by e-mail: [vgilmore@citypierce.com](mailto:vgilmore@citypierce.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Vennis Gilmore", written in a cursive style.

Vennis Gilmore

Planner



**BUILDING DEPARTMENT  
TECHNICAL REVIEW COMMITTEE (TRC)  
COMMENT FORM**

Meeting Date: 8.15.19  
Property Address: 715 S. Ocean Dr.  
Property Name: Danaluk Vacation Rental  
Planner: Vennis Gilmore

*Please be advised that the project may trigger the requirements indicated below:*

- 1. Building Official or his representative has no comment at the time of this meeting, but reserves submission of comments upon completion of the official plan review.
- 2. Pre-construction meeting with the City's Building Department is requested.
- 3. Any construction will need to meet the requirements of the Florida Building Code 6<sup>th</sup> Edition.
- 4. Means of egress is required.
- 5. Means of ingress is required.
- 6. Must meet the following Accessibility requirements:
  - Accessible route
  - Handicapped parking spaces
  - Means of egress
- 7. Change of Use required
  - to include a signed and sealed Life Safety Plan
  - to include a signed and sealed detailed comprehensive building plan.
- 8. Property exists in Special Flood Hazard Area. All Federal and State requirements shall be addressed.
- 9. Flood Development Permit required.
- 10. Building Permit required.
- 11. Signed and sealed construction drawings required.
- 12. Will need to meet the Fire Code.
- 13. Sprinkler system is required.
- 14. Smoke alarm system is required.
- 15. Other

**Additional Comments/Requirements:**

|  |
|--|
|  |
|--|

Building Official's or Representative's Signature \_\_\_\_\_ Date: 8.13.19



Fort Pierce Utilities Authority  
Water/Wastewater Engineering  
1701 South 37<sup>th</sup> Street  
Fort Pierce, FL 34947  
772.466.1600 x3473

## Technical Review Committee meeting

**August 15, 2019**

TECHNICAL REVIEW PROJECT # 19-04000010 (Conditional Use w/ No New Construction)

Conditional Use – Danaluk Vacation Rental – 715 S. Ocean Drive, Unit D

### Comments

FPUA W/WW Engineering: Approved, no comments

FPUA Electric & Gas Engineering: No comment



Our mission is to provide our customers with economical, reliable, and friendly service in a continuous effort to enhance the quality of life in our community.

[www.fpua.com](http://www.fpua.com)





PUBLIC WORKS  
ENGINEERING DIVISION  
DEVELOPMENT REVIEW  
COMMITTEE

---

August 12<sup>th</sup>, 2019

**Project:** Danaluk Vacation Rental  
**Subject:** SURVEY REVIEW  
**To:** Vennis Gilmore  
**From:** Rod Reed, PLS  
SLC-Engineering Division

All comments are based on the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 5J-17.050 thru 5J-17.052 Florida Administrative Code, pursuant to current Section 472.027, Florida Statutes.

**SURVEY:**

- 1) No comments.

**Rod Reed, County Surveyor**  
St. Lucie County, Fl.  
2300 Virginia Avenue  
Ft. Pierce, Fl. 34982-5652  
[www.stlucieco.org](http://www.stlucieco.org)  
Ph. (772) 462-1721  
E-mail [reedr@stlucieco.org](mailto:reedr@stlucieco.org)



THE SUNRISE CITY  
**FORT PIERCE**  
CODE ENFORCEMENT  
*Florida*

**TO** : Vennis Gilmore, Planning Analyst  
**FROM** : Peggy Arraiz, Code Compliance Manager  
**SUBJECT** : TRC # 19-04000010 – Danaluk Vacation Rental  
**DATE** : August 8, 2019

RECEIVED  
AUG 09 2019  
CITY OF FORT PIERCE  
PLANNING & ZONING

Code Enforcement has the following comments:

1. The submittal packed is fairly complete, however, it should also include the following:
  - a. The number of people permitted to stay at one time.
  - b. The number of vehicles permitted.
2. The owner is advised that short term rentals of less than 30 are required to have a license issued by the State of Florida – Department of Business and Professional Regulations, a SLC tourism tax, a Florida Sales Tax account as well as a City of Fort Pierce Business Tax Receipt.
3. All ads on Craig's List / Vacation Rentals and HomeAway must be removed until approval to conduct short term rentals is approved.
  - a. Rentals of less than six (6) months (defined as vacation rentals) may not be conducted without approval and without a business tax receipt.
  - b. The ad on Craig's List is under the section for "Vacation Rentals" and must be removed.
  - c. The ad on HomeAway, which is a website dedicated to vacation rentals, must be removed.
  - d. This matter is scheduled to be heard before the Special Magistrate on September 4, 2019 and staff has recommended a fine of \$3,750.00 (1 months' rent) be assessed.



THE SUNRISE CITY  
**FORT PIERCE**  
CODE ENFORCEMENT  
*Florida*

August 26, 2019

NICHOLAS ALEX DANALUK JR  
1425 SW EDINBURGH DRIVE  
PORT ST LUCIE, FL 34953

Property address: 715 S OCEAN DR D

Case #: 19-1685

Dear Property Owner(s):

This correspondence is to thank you for complying with the City Code of Ordinances. The hearing scheduled on September 4, 2019 before the Special Magistrate has been cancelled. It takes all of us working together to preserve the beauty of our community and ensure the health, safety and welfare of our residents.

If we can be of assistance to you in the future, please contact our office at (772) 467-3720.

Sincerely,

Margaret M. Arraiz  
Code Compliance Manager  
EM – parraiz@cityoffortpierce.com