



TO: Nick C. Mimms, P.E., ICMA-CM, City Manager

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Vennis Gilmore, Planner

RE: **Conditional Use Approval – Fort Vacation Rental
 715 S. Ocean Drive, Unit F**

BOARD DATE: September 21, 2020

STAFF REPORT

Owner/Applicant: **Augustus B. Fort Jr.
 49 Woodland Drive, #201
 Vero Beach, FL 32962**

Applicant’s Request: Approval of a Conditional Use to operate a Vacation Rental, offering lodging for less than 30 days. The minimum rental period is identified as two days.

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

Parcel ID: 2401-504-0006-000-6

Future Land Use: Hutchinson Island Residential (HIR)

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

Surrounding FLU:

North	East	South	West
HIR	HIR	HIR	HIR

Surrounding Zoning:

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

Utilities: Fort Pierce Utility Authority (FPUA)

Staff Analysis:

In accordance with Sections 125-187, 125-236, and 125-237 of the City Code, the applicant is requesting the review and approval of a Conditional Use to operate a Vacation Rental at Unit E of the Boardwalk Condominiums, located at 715 S. Ocean Drive. The subject condominium is a one (1)-bedroom and one (1)-bathroom unit with approximately 680 square feet. The proposed Conditional Use will offer lodging of less than six (6) months with a minimum stay of 2 days to guests.

The property is within the South Beach neighborhood, generally situated at the southwest corner South Ocean Drive and Gulfstream Avenue. The subject site is surrounded by multi-family residences to the north, west, east, and south. The subject property has a Future Land Use designation of Hutchinson Island Residential (HIR) with a compatible zoning classification of Hutchinson Island Medium Density Residential (R-4A).



Dwelling Rentals

Pursuant to City Code Section 125-3. – 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 30 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 30 days. The rental of a dwelling for periods at a minimum of 31 days, but less than six months, is a “Dwelling Rental,” but not a “Vacation Rental.”

Table 1 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
<i>Public lodging establishment (ADA & Misc. Regulations)</i>	If rented 30 days or less (Vacation Rental)	Public lodging establishment

Future Land Use and Zoning

The purpose and intent of the R-4A zoning district is 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. Bonus density of up to one additional unit per acre is available as provided for in this section. 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.

Parking

Pursuant to City Code Section 125-315 (d)(2)b, motels, hotels and resort hotels shall provide 1.6 spaces for each unit 500 square feet or larger.

Conditional Use

As stated in City Code Section 125-235, 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. An update will be provided to the City Commission at the public hearing.

Planning Board Recommendation

The Planning Board, at their August 11th, 2020 meeting, voted unanimously to recommend **Approval** 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 Comprehensive Plan and Land Development Code with appropriate restrictions. Therefore, Staff recommends **APPROVAL** with the following five (5) conditions:

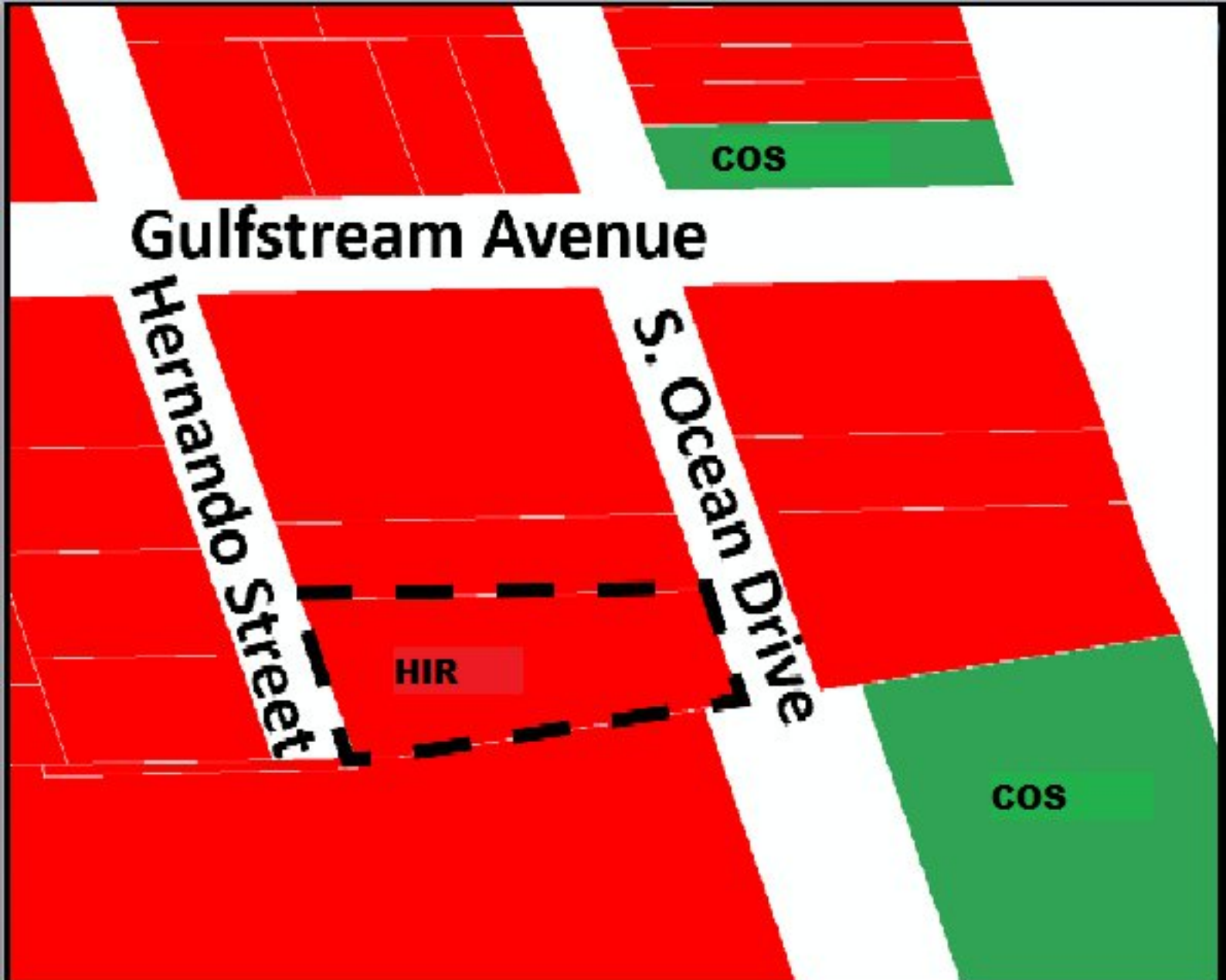
- 1) The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
- 2) Guide booklets (available from Code Enforcement) shall be provided 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 issuance of a license from the Florida Department of Business & Professional Regulation.
- 4) There shall be a limitation of no more than no two (2) vehicles per unit.
- 5) The City of Fort Pierce Business Tax License number shall be included on all advertising.



Location Map
715 S. Ocean Drive, Unit F
Fort Vacation Rental



THE SUNRISE CITY
FORT PIERCE
Florida



Gulfstream Avenue

Hernando Street

S. Ocean Drive

HIR

COS

COS



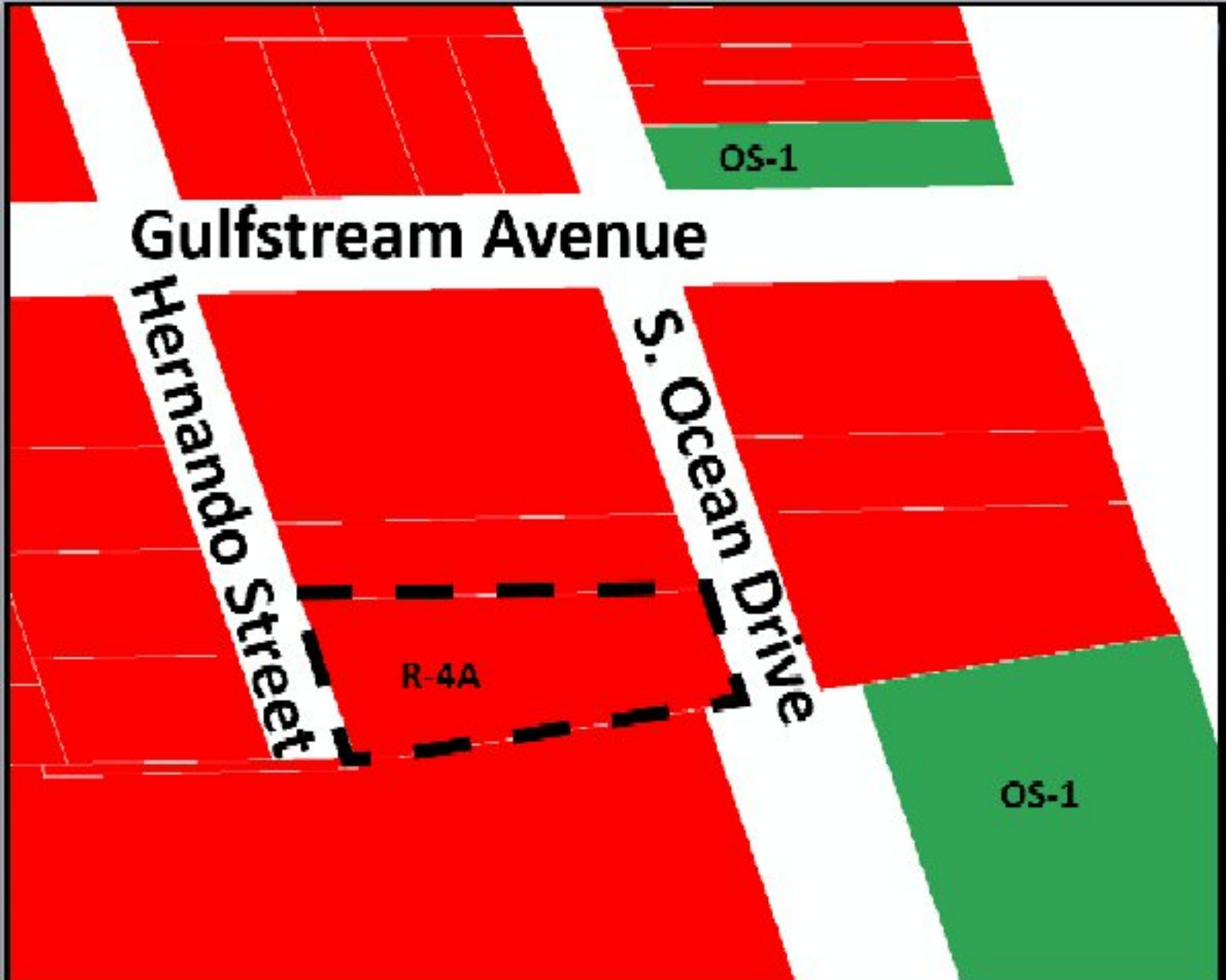
Conditional Use
Fort Vacation Rental
715 S. Ocean Drive, Unit F

HIR =  **COS** = 



THE SUNRISE CITY
FORT PIERCE
Florida

FLU Map



Gulfstream Avenue

Hernando Street

S. Ocean Drive

R-4A

OS-1

OS-1



**Conditional Use
Fort Vacation Rental
715 S. Ocean Drive, Unit F**

R-4A = [Red Box] OS-1 = [Green Box]



THE SUNRISE CITY
FORT PIERCE
Florida

Zoning Map

July 16, 2020

Augustus B. Fort Jr.
49 Woodland Drive, #201
Vero Beach, FL 32962

Subject: 715 S. Ocean Drive, Unit F – TRC Comments for July 16th, 2020 conference call

City of Fort Pierce Planning Department

1. The property manager for the dwelling 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 issuance of a license from the Florida Department of Business & Professional Regulation.
4. There shall be a limitation of no more than no two (2) vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

Fort Pierce Engineering Department

Engineering has no objections to the short-term rental request.

Fort Pierce Utility Authority

W/WW Engineering: No Comment

Electric & Gas Engineering: No comment

Fort Pierce Building Department

The 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.

Fort Pierce Police Department

No Comments

St. Lucie County Planning Department

No Comments

St. Lucie County PW/Engineering

No Comments

City Clerk Office

No Comments

Code Enforcement

Code does not have any comments outside of the standard list of requirements that are covered by the Planning Department. There is no code activity at this location.

Florida Department of Transportation

FDOT has no comments regarding the referenced application.

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **SEPTEMBER 8, 2020**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Chairman Creyaufmiller welcomed new Planning Board member, Marsha Baker.

Present: **Marcia Baker; Bob Burdge; Gloria Johnson-Scott; Michael Broderick; Solomon Lee; Patricia Diaz; Frank Creyaufmiller, Chairman**

Staff Present: **Jennifer Hofmeister, Planning Director
Tanya Earley, Assistant City Attorney
Vennis Gilmore, Planner
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

All Planning Board members were in attendance.

5. **APPROVAL OF MINUTES**

a. Minutes from the August 11, 2020 meeting

Motion was made by Michael Broderick, and seconded by Bob Burdge to approve the minutes from the August 11, 2020 meeting.

AYE: Bob Burdge, Gloria Johnson-Scott, Michael Broderick, Solomon Lee, Patricia Diaz, Marcia Baker, Chairman Frank Creyaufmiller

Passed

6. NEW BUSINESS

a. Conditional Use - Barsotti Dwelling Rental - 1040 Windward Drive, Unit 3402

Mr. Gilmore gave an overview of the application.

Mr. Broderick asked if the updated recommendations to the dwelling rental conditions, that will heard at the September 14, 2020 Conference Agenda, should be included.

Ms. Hofmeister stated it may be premature and best to hold off until the City Commission approves the modifications to the conditions.

Ms. Baker suggested adding a condition that business liability insurance is required.

Board discussion ensued on the benefits of adding liability insurance as a condition to dwelling rentals.

Ms. Hofmeister suggested adding the condition to the updated recommendations being presented at the Conference Agenda.

Ms. Johnson Scott noted that adding an additional fee may limit some people from renting out their property which in turn could hurt the city.

No one spoke for or against the application.

Motion was made by Bob Burdge, and seconded by Marcia Baker to recommend approval with the following six (6) conditions:

- 1. The property manager for the dwelling 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 issuance of a license from the Florida Department of Business & Professional Regulation.**
- 4. There shall be a limitation of no more than no two (2) vehicles per unit.**
- 5. The City of Fort Pierce Business Tax License number shall be included on all advertising.**
- 6. Third-party liability insurance is required.**

AYE: Michael Broderick, Solomon Lee, Patricia Diaz, Marcia Baker, Bob Burdge, Chairman Frank Creyaufmiller

NAY: Gloria Johnson-Scott

Passed

b. Conditional Use - Ballantyne Dwelling Rental - 715 S. Ocean Drive, Unit B

Ms. Hofmeister gave an overview of the application and answered questions from the Board on guest parking spaces and the number of Conditional Use approvals for the building. Ms. Hofmeister stated since the application triggers the state requirement for a change of use and fire sprinklers, she does not foresee any more rentals at the building due to being cost prohibitive.

No one spoke for or against the application.

Motion was made by Bob Burdge, and seconded by Michael Broderick to recommend approval with the following six (6) 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 issuance of a license from the Florida Department of Business & Professional Regulation.**
4. **There shall be a limitation of no more than no two (2) vehicles per unit.**
5. **The City of Fort Pierce Business Tax License number shall be included on all advertising.**
6. **Third-party liability insurance is required.**

AYE: Michael Broderick, Solomon Lee, Patricia Diaz, Marcia Baker, Bob Burdge, Gloria Johnson-Scott, Chairman Frank Creyaufmiller

Passed

c. Conditional Use - Danaluk Dwelling Rental - 715 S. Ocean Drive, Unit L

Ms. Hofmeister gave an overview of the application and answered questions from the Board. Ms Hofmeister explained the 2-story duplex is a separate building located on the parcel and the building does not trigger the states 25% requirements because it is only two units.

No one spoke for or against the application.

Motion was made by Bob Burdge, and seconded by Patricia Diaz to approve with the following six (6) 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 issuance of a license from the Florida Department of Business & Professional Regulation.**
4. **There shall be a limitation of no more than no two (2) vehicles per unit.**
5. **The City of Fort Pierce Business Tax License number shall be included on all advertising.**
6. **Third-party liability insurance is required.**

AYE: Solomon Lee, Patricia Diaz, Marcia Baker, Bob Burdge, Gloria Johnson-Scott, Michael Broderick, Chairman Frank Creyaufmiller

Passed

d. **Annexation - Jetson - 504 Tumblin Kling Road**

Mr. Creagan gave an overview of the application and answered questions from the Board on the residential area. Mr. Creagan explained that the property is zoned commercial in St. Lucie County and the city is not allowed to down zone the property.

Mr. Burdge noted that a barrier would be required between the commercial development and residential property.

Ms. Hofmeister stated the Planning department will put the elements in the review process for Jetson's expansion and the site plan will come before the Planning Board.

Motion was made by Bob Burdge, and seconded by Michael Broderick to recommend approval of the proposed annexation Future Land Use designation of GC and the Zoning designation of C-3.

AYE: Patricia Diaz, Marcia Baker, Bob Burdge, Gloria Johnson-Scott, Michael Broderick, Solomon Lee, Chairman Frank Creyaufmiller

Passed

7. **ELECTION OF CHAIR AND VICE-CHAIR**

Mr. Broderick nominated the current Chair, Mr. Creyaufmiller, for Chairman.

Mr. Burdge nominated Mr. Broderick as Chair but Mr. Broderick stated he would be more effective in the Vice-Chair position and Mr. Creyaufmiller would be better suited as Chairman.

Motion was made by Michael Broderick, and seconded by Patricia Diaz to elect Mr. Creyaufmiller as Chairman.

AYE: Marcia Baker, Bob Burdge, Gloria Johnson-Scott, Michael Broderick, Solomon Lee, Patricia Diaz, Chairman Frank Creyaufmiller

Passed

Motion was made by Patricia Diaz, and seconded by Marcia Baker to elect Mr. Broderick as Vice-Chair.

AYE: Bob Burdge, Gloria Johnson-Scott, Michael Broderick, Solomon Lee, Patricia Diaz, Marcia Baker, Chairman Frank Creyaufmiller

Passed

8. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Chair, as this section of the Agenda is limited to thirty minutes. The Planning Board will not be able to take any official actions under Comments from the Public. Speakers will address the Board and the Public with respect. Inappropriate language will not be tolerated.

There were no comments from the public.

9. **DIRECTOR'S REPORT**

Ms. Hofmeister reminded the Board that Mr. Broderick will be presenting the proposed dwelling rental conditions to the City Commission at the Conference Agenda on Monday, September 14, 2020 at 9:00 AM.

10. **BOARD COMMENTS**

Ms. Baker suggested the dwelling rental insurance condition be limited to third-party liability insurance, so the owner is spending the least amount of money on insurance to protect the general public and adjoining neighbors.

Chairman Creyaufmiller reminded the Board of the upcoming CeeCee Ross Lyles 9/11 Virtual Memorial Ceremony.

Motion was made by Michael Broderick, and seconded by Bob Burdge to add the condition that third-party liability insurance be required on all dwelling rentals.

AYE: Gloria Johnson-Scott, Michael Broderick, Solomon Lee, Patricia Diaz, Marcia Baker, Bob Burdge, Chairman Frank Creyaufmiller

Passed

11. **ADJOURNMENT**