



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

FROM: Jennifer Hofmeister, AICP, LCAM, Planning Director

RE: **Conditional Use Approval with No New Construction–
 Poirier Dwelling Rental – 1341 Binney Drive Unit A and B
 (20- 040000023)**

DATE: January 19, 2021

STAFF REPORT

Owner: Neil Poirier
 1341 Binney Drive Unit A & B
 Fort Pierce, FL 34949

Applicant: Michelle Longarzo
 715 South Ocean Drive Unit D
 Fort Pierce, FL 34949

Applicant’s Request: Approval of a Conditional Use to operate a Dwelling Rental, offering lodging for less than six (6) months. The minimum rental period is a minimum of two (2) days.

Location(s): 1341 Binney Drive Unit A and B

Parcel ID: 2401-601-0032-000-5

Future Land Use: Hutchinson Island Residential (HIR)

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

Surrounding FLU:

North	East	South	West
HIR	Ocean	HIR	HIR

Surrounding Zoning:

North	East	South	West
R4A	Ocean	R4-A	R4-A

Utilities: FPUA

Staff Analysis:

Request

In accordance with Sections 125-187 and 125-236 of the City Code, the applicant is requesting review and approval of a Conditional Use to operate a Dwelling Rental located at 1341 Binney Drive Unit A and B. The proposed Conditional Use will offer lodging of less than six (6) months with a minimum stay of less than 30 days.

The subject building is a duplex consisting of a total of 2,323 gross square feet. The surrounding area is comprised of both single family and multi-family development to the north, south, east, and west. The subject site has a Future Land Use designation of Hutchinson Island residential (HIR) with a compatible zoning designation of Hutchinson Island Medium Density Residential Zone (R-4A). Per City Code Section 125-187. – Allowed Uses; Dwelling Rentals are classified as a Conditional Use in the R-4A zoning district.



Dwelling Rentals

Pursuant to City Code Section 125-3. – 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."

The State of Florida provides further classification of a dwelling that is rented for periods of less than one (1) 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 (3) times in a calendar year for periods of less than 31 days or one (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 31 days.

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

Table 1 – Dwelling and Vacation Rental Definitions

	Dwelling Rental	Vacation Rental
<i>Length of Stay</i>	Less than six (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 and Restaurants – Vacation Rental
<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 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. This land use category allows up to eight (8) dwelling units per acre.

The R-4A zone is compatible with the HIR Future Land Use designation. 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- (d)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.

Planning Board Recommendation

At the December 8, 2020 Planning Board meeting, the Board recommended Approval (6-0) of the Conditional Use with staff recommended conditions of approval.

Staff Recommendation

The proposed use presents the provision for short-term 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 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 two (2) vehicles per unit. On-street parking is prohibited.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

AERIAL MAP



Conditional Use Approval
Poirier Dwelling Rental
1341 Binney Drive Unit A & B



FUTURE LAND USE MAP



Conditional Use Approval
Poirier Dwelling Rental
1341 Binney Drive Unit A & B



ZONING MAP



Conditional Use Approval
Poirier Dwelling Rental
1341 Binney Drive Unit A & B





November 18, 2020

Michelle Longarzo
715 S. Ocean Drive
Fort Pierce, FL 34949
sliceofparadisefl@gmail.com

Subject: Neil M. Poirier Dwelling Rental -1341 Binney Drive Unit A & B Conditional Use application for TRC

Dear Michelle,

Below please find a summary of the comments for the City of Fort Pierce TRC meeting:

Fort Pierce Planning Department

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 vehicles per dwelling rental unit. On-street parking is prohibited.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

Fort Pierce Engineering Department

1. Engineering has no objections to the property being utilized as a short-term rental.

Fort Pierce Code Enforcement Division

1. No comments from Code Enforcement – there is no active or pending code cases. Just the standard comments from Planning.

Fort Pierce Building Department

1. Vacation rental properties, including SFR used as transient rentals, shall be regulated through the DBPR, Florida Statute 509.242(c), Florida Administrative Code 61A-43 and will be amended by any future legislation or directives from the State of Florida.
2. Fire Sprinkler requirements are differed to Fire Marshall pursuant to Florida Administrative Code 69A-43.
3. Transient Rental of a Single Family Dwelling: Florida Statute 509.242(c) Vacation rental.—A vacation rental is 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.
4. Building Department has no further guidance at this time.

Fort Pierce Police Department

1. No comment.

Fort Pierce Utility Authority

W/WW Engineering:

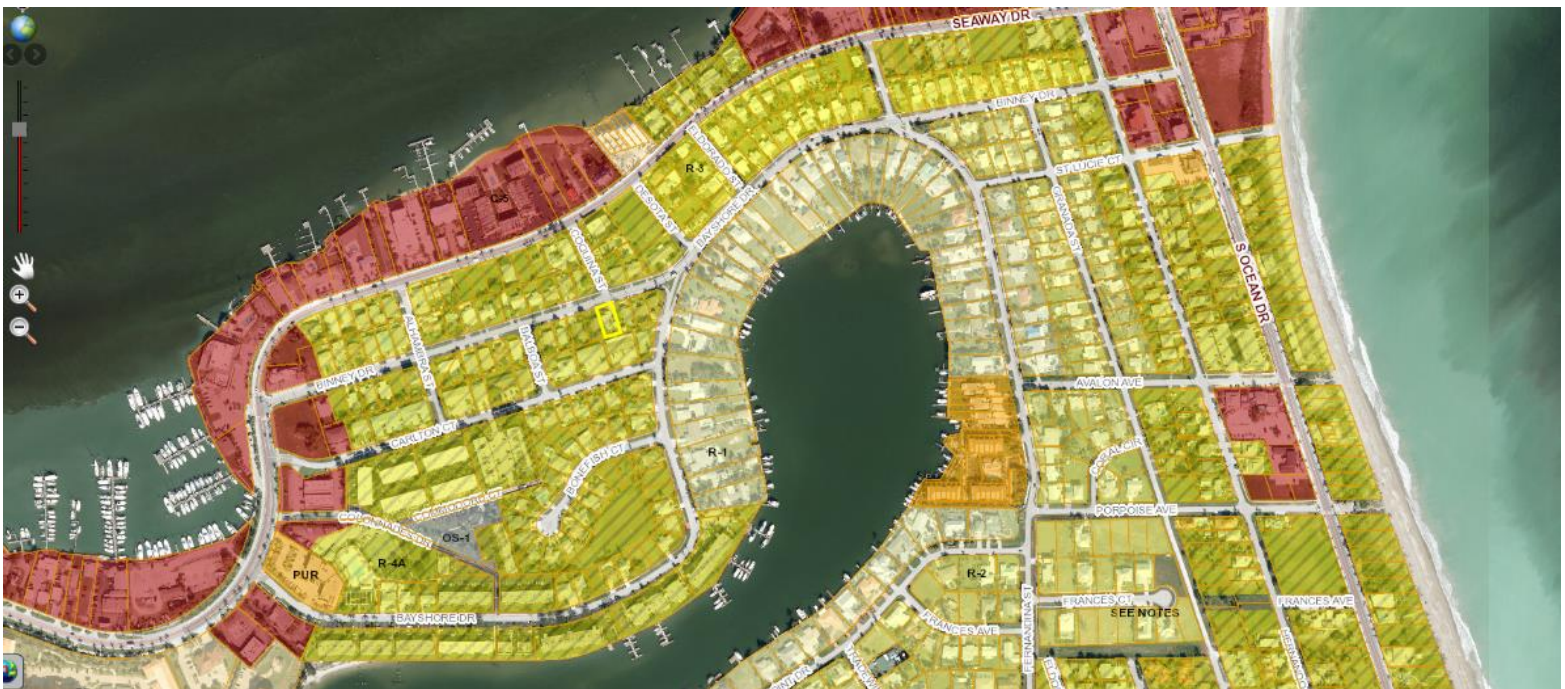
1. Location is presently a water and wastewater customer of FPUA. If fire protection is required, this service MUST be supplied via a dedicated “stand-alone” fire suppression device. Please contact James Carnes @ (772) 466-1600 extension 3472 if this modification is required.

Electric & Gas Engineering:

1. No comment

St. Lucie County Public Works

1. No comment.



Jennifer Hofmeister

From: Alicia Rosenthal
Sent: Tuesday, November 17, 2020 9:38 AM
To: Vennis Gilmore; Maria Lewicka; Jennifer Hofmeister
Subject: FW: Fort Pierce TRC
Attachments: 2020-11-17 Crossroads Industrial Park Site Plan Comments.docx

FYI

From: Grant M. Chambers <ChambersG@stlucieco.org>
Sent: Tuesday, November 17, 2020 9:30 AM
To: Brandon Creagan <bcreagan@cityoffortpierce.com>; Alicia Rosenthal <arosenthal@cityoffortpierce.com>
Cc: David Hays <haysd@stlucieco.org>; Patrick Dayan <DayanP@stlucieco.org>
Subject: Fort Pierce TRC

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Good Morning,

Please see attached comments regarding the Crossroads Industrial Park Site Plan. The County Public Works Department does not have comments regarding the following agenda items:

- Skyline Childcare Conditional Use
- Joseph Dwelling Rental Conditional Use
- Jura Dwelling Rental Conditional Use
- Poirier Dwelling Rental Conditional Use
- Gateway Plaza Arcade Conditional Use
- 1318 Boston Avenue Triplex Site Plan
- Colleran Residence Variance
- 33 Annexations

Thank you,

Grant Chambers, P.E. | Civil Engineer | Public Works Department

Ph: 772-462-1707 | Direct: 772-462-2741 | 2300 Virginia Ave. Fort Pierce 34982

facebook.com/stluciegov | twitter.com/stluciegov | instagram.com/stluciegov | youtube.com/stluciegov



Please Note: Florida has very broad public records laws. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. It is the policy of St. Lucie County that all County records shall be open for personal inspection, examination and / or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.



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

Technical Review Committee Meeting

November 19, 2020

TECHNICAL REVIEW PROJECT # 20- 040000023

Conditional Use – Poirier Dwelling Rental – 1341 Binney Drive

Comments

FPUA W/WW Engineering: Location is presently a water and wastewater customer of FPUA. If fire protection is required, this service MUST be supplied via a dedicated “stand-alone” fire suppression device. Please contact James Carnes @ (772) 466-1600 extension 3472 if this modification is required.

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



Jennifer Hofmeister

From: Alicia Rosenthal
Sent: Tuesday, November 17, 2020 12:18 PM
To: Brandon Creagan; Jennifer Hofmeister; Maria Lewicka; Rebeca Guerra; Vennis Gilmore
Subject: FW: REVISED: City of Ft. Pierce - TRC Comments Due

FYI

From: SANDERS, MARVIN E. <marvin.sanders@stlucieschools.org>
Sent: Tuesday, November 17, 2020 12:04 PM
To: Alicia Rosenthal <arosenthal@cityoffortpierce.com>; Karen Murphy <kmurphy@cityoffortpierce.com>; Julie Bye <jbye@cityoffortpierce.com>; Shaun Coss <scoss@cityoffortpierce.com>; Ben Balcer <balcerb@stlucieco.org>; Cassandra Davis <cddavis@fppd.org>; Grant Chambers <ChambersG@stlucieco.org>; David Hays <haysd@stlucieco.org>; dekleM <dekleM@stlucieco.org>; Diane Hobley-Burney <dhobley-burney@fppd.org>; Dinky <dinky@stlucieco.org>; djohnson <djohnson@fppwd.com>; dspotts@fppd.org; FPUA <www_FPUA@fpua.com>; J Nentwick <nentwickj@stlucieco.org>; Jacolby Washington <jwashington@cityoffortpierce.com>; Jason Mittler <jmittler@fpua.com>; James Carnes <jcarnes@fpua.com>; Javier Cisneros <jcisneros@fpua.com>; Kenny Norris <knorris@fppd.org>; Keymail FPUA <keymail@fpua.com>; Kori Benton <bentonk@stlucieco.org>; Larry Lammers <lammers@fpua.com>; larry.hymowitz@dot.state.fl.us; lbianco@fpua.com; Leslie Olson <olsonl@stlucieco.org>; Linda Cox <lcox@cityoffortpierce.com>; Linda Pendarvis <pendarvisl@stlucieco.org>; Lydia Santiago <lsantiago@fpua.com>; Martha Kerr <mkerr@fpua.com>; Mike Reals <mreals@cityoffortpierce.com>; Paul Bertram <pbertram@cityoffortpierce.com>; Paul Laguerre <plaguerre@fpua.com>; Paul Langel <plangel@slcfd.org>; Paul Thomas <pthomas@cityoffortpierce.com>; Peggy Arraiz <parraiz@cityoffortpierce.com>; Peter Buchwald <buchwaldp@stlucieco.org>; R Ridle <rridle@fppd.org>; Ron Reed <ReedR@stlucieco.org>; RevordJ@stlucieco.org; Tracy Telle <ttelle@cityoffortpierce.com>; Venetia Barnes <vbarnes@cityoffortpierce.com>; Wayne Boyer <wboyer@slcfd.org>
Subject: Re: REVISED: City of Ft. Pierce - TRC Comments Due

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We have reviewed the projects on the TRC agenda and have no comments.

Marty E. Sanders, P.E.
Growth Management, Land Acquisition & Inter-Governmental Relations
School Board of St. Lucie County
9461 Brandywine Lane, Room 2-303
Port St. Lucie, FL 34986



office 772.429.7547

cell 772.216.5755 **GENDA**

Fort Pierce Technical Review C
Thursday, Novem

1. **New Business:**
 - a. [Conditional Use with No New Construction - Skyline Childcare - 4812 S. US Highway](#)
 - b. [Conditional Use with No New Construction - Joseph Dwelling Rental - 2025 S. Ocean](#)
 - c. [Conditional Use with No New Construction - Jura Dwelling Rental - 1122 S. Ocean D](#)
 - d. [Conditional Use with No New Construction - Poirier Dwelling Rental - 1341 Binney Dri](#)
 - e. [Conditional Use with No New Construction – Gateway Plaza Arcade – 2051 S. US Hi](#)
 - f. [Site Plan - Crossroads Industrial - Parcel ID: 2325-122-0002-000-3 *Click to View*](#)
 - g. [Minor Site Plan - Two Triplexes - 1318 Boston Avenue *Click to View*](#)
 - h. [Variance - Colleran Residence - 1675 Thumb Point Drive *Click to View*](#)
 - i. [Annexation - 33 Parcels *Click to View*](#)

From: Alicia Rosenthal

Sent: Thursday, November 5, 2020 6:18 PM

To: Alicia Rosenthal <arosenthal@cityoffortpierce.com>; Karen Murphy <kmurphy@cityoffortpierce.com>; Julie Bye <jbye@cityoffortpierce.com>; Shaun Coss <scoss@cityoffortpierce.com>; Ben Balcer <balcerb@stlucieco.org>; Cassandra Davis <cddavis@fppd.org>; Grant Chambers <ChambersG@stlucieco.org>; David Hays <haysd@stlucieco.org>; dekleM <dekleM@stlucieco.org>; Diane Hobley-Burney <dhobley-burney@fppd.org>; Dingy <dingy@stlucieco.org>; djohnson <djohnson@fppwd.com>; dspotts@fppd.org <dspotts@fppd.org>; FPUA <www_FPUA@fpu.com>; J Nentwick <nentwickj@stlucieco.org>; Jacolby Washington <jwashington@cityoffortpierce.com>; Jason Mittler <jmittler@fpu.com>; James Carnes <jcarnes@fpu.com>; Javier Cisneros <jcisneros@fpu.com>; Kenny Norris <knorris@fppd.org>; Keymail FPUA <keymail@fpu.com>; Kori Benton <bentonk@stlucieco.org>; Larry Lammers <lammers@fpu.com>; larry.hymowitz@dot.state.fl.us <larry.hymowitz@dot.state.fl.us>; lbianco@fpu.com <lbianco@fpu.com>; Leslie Olson <olsonl@stlucieco.org>; Linda Cox <lcox@cityoffortpierce.com>; Linda Pendarvis <pendarvisl@stlucieco.org>; Lydia Santiago <lsantiago@fpu.com>; Martha Kerr <mkerr@fpu.com>; SANDERS, MARVIN E. <marvin.sanders@stlucieschools.org>; Mike Reals <mreals@cityoffortpierce.com>; Paul Bertram <pbertram@cityoffortpierce.com>; Paul Laguerre <plaguerre@fpu.com>; Paul Langel <plangel@slcfd.org>; Paul Thomas <pthomas@cityoffortpierce.com>; Peggy Arraiz <parraiz@cityoffortpierce.com>; Peter Buchwald <buchwaldp@stlucieco.org>; R Ridle <rridle@fppd.org>; Ron Reed <ReedR@stlucieco.org>; RevordJ@stlucieco.org <RevordJ@stlucieco.org>; Tracy Telle <ttelle@cityoffortpierce.com>; Venetia Barnes <vbarnes@cityoffortpierce.com>; Wayne Boyer <wboyer@slcfd.org>

Subject: REVISED: City of Ft. Pierce - TRC Comments Due

When: Tuesday, November 17, 2020 8:00 AM-8:30 AM.

Where:

Good morning TRC,

A new item was added to the 11/19/20 TRC agenda.

Conditional Use with No New Construction – 1341 Binney Drive – Dwelling Rental

See attached revised agenda.

Alicia

-----Original Appointment-----

From: Alicia Rosenthal

Sent: Thursday, November 05, 2020 6:18 PM

To: Ben Balcer; Cassandra Davis; Damian Spotts; David Hays; dekleM; Diane Hobley-Burney; Dingy; djohnson; FPUA; Grant Chambers; J Nentwick; Jacolby Washington; James Carnes; Jason Mittler; Javier Cisneros; Kenny Norris; Keymail FPUA; Kori Benton; Larry Lammers; larry.hymowitz@dot.state.fl.us; Leslie Olson; Linda Cox; Linda Pendarvis; Lydia Santiago; Martha Kerr; Marty Sanders; Mike Reals; Paul Bertram; Paul Laguerre; Paul Langel; Paul Thomas; Peggy Arraiz; Peter Buchwald; R Ridle; RevordJ@stlucieco.org; Ron Reed; Tracy Telle; Venetia Barnes; Wayne Boyer

Cc: Shaun Coss; Karen Murphy; Julie Bye

Subject: City of Ft. Pierce - TRC Comments Due

When: Tuesday, November 17, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where:

Please accept this invitation as a reminder that the November 19, 2020 Technical Review Committee (TRC) meeting comments are due today. There will not be a physical TRC meeting. Planning staff will send all the comments to the applicant and follow up with a conference call with the applicant to discuss the comments.