

FORT PIERCE CITY COMMISSION MEETING

APRIL 19, 2021 – Conditional Use Approval, 1507 Faber Ct.

(20-0400017) Parcel ID: 2401-605-0057-000-8.

Motion to Intervene, and to Continue the Hearing of this Matter, by Glynda Cavalcanti, Terry Shafer and Irving Shafer.

Intervenors' Interest in this Matter

Glynda Cavalcanti, Terry Shafer, and Irving Shafer, through counsel, pursuant to City of Fort Pierce Resolution No. 19-R35, QUASI-JUDICIAL HEARING PROCEDURES, V. - Party Intervenors, move to intervene in the above captioned, Quasi-Judicial Proceeding, and as grounds therefore would show:

1. All three movants have an interest in the application, which is different than the public at large.
2. Ms. Cavalcanti resides at 1503 Faber Ct., Mr. and Mrs. Shafer reside at 1502 Faber Ct.
3. Ms. Cavalcanti's residence is immediately adjacent to 1507 Ct., sharing a property line of approximately 133 ft. with the applicant for conditional use.
4. The Shafer's residence is approximately 40 ft. from the applicant's property.
5. Both Cavalcanti and the Shafer's share the end of the Faber Ct. cul-de-sac (which is approximately 58 ft. across at its widest point), with 1507 Faber Ct.
6. The movants' interest in the application is decidedly more direct and intense than that of the public at large, as the movants would be directly and significantly affected by the vacation rental use of 1507, while the general public would not be affected to nearly the same extent.

WHEREFORE, Movants’ respectfully request they be permitted to intervene in this quasi-judicial proceeding, as they have an interest in the application which differs from that of the general public.

**Intervenors’ Motion to Continue This Hearing
Due to Pending Matters
Potentially Impacting the Commissions’ Options**

Movants respectfully request the City Commission postpone its consideration of this Conditional Use Application to a later date, for the following reasons:

1. The City of Fort Pierce has created a committee or “task force” to address the complex and difficult issues presented by the presence of short-term rentals in single family residential neighborhoods.
2. This “task force” has met but has not had time to hear from competing interests, consider proposals, analyze the issues, and make recommendations for the Commission’s use in deciding exactly the questions confronting it in this proceeding.
3. The Florida Legislature is in session, and currently considering bills that could dramatically affect the options available to the Commission in addressing this and other applications pending before it.¹
4. In light of the potential impact of these pending developments, Movants suggest that the City Commission, and all parties affected by this proceeding, would be better served if the Commission were to table consideration of Conditional Use Applications for Short Term Rentals until

¹ Including: HB 1481; SB 1988; CS/HB 219; CS/CS/SB 522

these imminent matters that are directly relevant to this proceeding are resolved.

WHEREFORE, Movants’ respectfully request this matter be continued until the City’s “task force” has completed its mission of evaluating the issues presented by this application, and the other pending requests that the City permit a Conditional Use for Vacation Rentals in single family residential neighborhoods.

Outline of Intervenors’ Opposition to Granting Conditional Use Application for Vacation Rental at 1507 Faber Court

- A. Permitting a Vacation Rental at this location, would adversely affect the safety, comfort, and general welfare of persons in the neighborhood.
1. Faber Court, and all of the Thumb Point Neighborhood, is zoned R-2, a single-family residential neighborhood with limited access due to its being a peninsula, with the Indian River Lagoon preventing vehicle access from three sides. The Future Land Use is Low Density Residential (RL).
 2. The Thumb Point Neighborhood, is essentially described as that area South of where Porpoise Ave. intersects with Fernandina St., and West of Fernandina St. to the Southern terminus of Fernandina St. at Thumb Point Dr. This area encompasses the side streets, Frances Ave., Bahia Ave., Tradewinds Ave., Malabar Ave., Faber Ave., and Faber Ct.
 3. Thumb Point was subdivided, and the roads laid out in 1957 with narrower rights of way than would be permitted today.
 4. The maximum width of any street within the Thumb Point neighborhood is 20 ft.

5. Faber Court is a narrow street (20 ft. wide) ending in a cul-de-sac which is only 58 feet at its widest point.
6. Current Saint Lucie County Fire District requirements for a cul-de-sac in a residential neighborhood require a 50 ft. radius or a 100 Ft. diameter.
7. Presently SLCFD trucks are 37 ft. long and a ladder truck may be 47 ft. long.
8. There are no existing sidewalks within the Thumb Point Neighborhood.
9. The Thumb Point Neighborhood is not well lit for vehicular traffic, and testimony will show that this is deemed a desirable feature for residents, as opposed to the much brighter street lighting that is found on S. Ocean Drive, Seaway Drive and Binney Drive.
10. The road distance within the Thumb Point Neighborhood totals 1.4 miles. There are 13 Street lights on Thumb Point Drive, 1 on Frances Ave., 1 on Bahia Ave., 1 on Tradewinds Ave., 1 on Malabar Ave., 1 on Faber Ave., and 1 on Faber Ct.
11. There are currently 17 students in the Thumb Point Neighborhood, ranging from Kindergarten to 12th grade. These students walk to and use bus stops at Avalon Ave. and Hernando St. and at Hernando St. and Porpoise Ave.
12. The streets of Thumb Point host children riding bikes and skateboards, Seniors and young people walking and jogging, parents pushing baby buggies and dragging other children behind them, families walking their dogs.
13. It is a reasonable inference that individuals using Vacation Rentals would likely be unfamiliar with the area where they have come to recreate.²

² "Vacation." a period spent away from home or business in travel or recreation// had a restful vacation at the beach. Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/vacation>. Accessed 15 Apr. 2021.

14. When drivers are unacquainted with an area, common sense tells us that they may well have more difficulty navigating unfamiliar terrain, especially given narrow streets without sidewalks, parked service vehicles, ongoing construction, pedestrians (including children), bicyclists and animals.
15. The difficulty caused by unfamiliarity with the area, is exacerbated for a recently arrived vacationing driver at night, if as with the Thumb Point Neighborhood, the streets are not brightly lit.
16. Considering and analyzing all the factors adduced above, pursuant to City Code Section 125-235, will logically guide the Commission to an ultimate conclusion, that even with the five (5) conditions suggested by Staff, this conditional use would adversely affect the safety, comfort and general welfare of those in the affected neighborhood, in that this particular area was not designed for vacationer traffic, wherein newly arrived drivers attempt to familiarize themselves with and negotiate the narrow streets of the Thumb Point Neighborhood, which due to its lack of sidewalks is frequented by children going to bus stops, walkers, joggers pedestrians, parked service vehicles, construction vehicles and ordinary traffic thus increasing the risk of injury to persons and property.
17. The Commission here, after carefully considering, comparing and weighing the evidence that will be introduced and made part of the record before it, can assure that due process and equal protection are afforded the petitioner for this conditional use, by making specific findings of fact upon which it bases its decision denying the conditional use sought here as increasing the

danger to persons and property, and thusly adversely affecting this neighborhood.³

B. Vacation Rentals in the City of Fort Pierce adversely affect the general welfare of persons in the City by negatively affecting the availability of affordable housing.

1. Entrepreneurs can make substantial returns on an investment in Vacation Rental properties.
2. Vacation Rental properties typically return more on investment than does operating as a typical landlord of long-term rental properties.
3. Purchasing residential property in the City of Fort Pierce to use as an investment in Vacation Rental is becoming increasingly popular.
4. There is a limited amount of residential property available for sale in the City.
5. Some of this residential property is held by homeowners who live in the property.
6. Some residential properties are rented to long term tenants and others are offered as short-term or Vacation Rentals.
7. As the higher rate of return on short-term rentals becomes apparent more landlords convert their long-term rental residences to short term or vacation rentals.
8. The City of Fort Pierce already has a shortage of affordable housing.
9. The conversion of long-term rentals to short-term or vacation rentals is exacerbating the dearth of affordable housing in the City of Fort Pierce.

³ In accordance with *Irvine v Duval County Planning Commission*, 495 So.2d 167, (Fla. 1986).

10. Granting this Petition for Conditional Use to permit this entrepreneur to operate a Vacation Rental in the City of Fort Pierce will adversely affect the general welfare of the City of Fort Pierce by increasing the shortage of affordable housing for the work force necessary to make Fort Pierce a vibrant and economically successful community.

EXHIBIT LIST

1. Composite, Photos showing measurements of:
 - a. Faber Ct., street
 - b. Faber Ct. cul-de-sac
 - c. Thumb Point Dr.
2. Saint Lucie County Fire District, Road Design Criteria
3. School Board of Saint Lucie County, Spread Sheet showing students in the Thumb Point neighborhood.
4. Resume' Joanne McCurdy, Realtor
5. Article, Economic Policy Institute, The economic costs and benefits of Airbnb.
6. Article, Harvard Business Review, Research: When Airbnb Listings in a City Increase, So Do Rent Prices.
7. Article, Miami Herald, Why Airbnb is making it harder for Miami locals to find a place to rent. Aug. 4, 2019.
8. Article, US News & World Report, Is Airbnb Ameliorating - or Exacerbating - Inequality in Cities. May 2, 2019.
9. Article, Inside Airbnb, Adding data to the Debate, A Year Later: Airbnb as a Racial Gentrification Tool. Jan. 30, 2018.
10. Article, BBC News, AirBnB racism claim: African-Americans 'less likely to get rooms' Dec. 12, 2015.

11. Article, CATO Institute, AirBnb and Neighborhood Conflict. Oct. 16, 2018.
12. Article, National Bureau of Economic Research, Housing Demand, Cost-of-Living Inequality, and the Affordability Crisis. November 2016.
13. Article, Forbes, The Airbnb Effect On Housing And Rent. Feb 21, 2020.

WITNESS LIST

1. Joanne McCurdy, 171 Melody Lane, Fort Pierce, Fl 34950
2. Glynda Cavalcanti, 1503 Faber Ct., Fort Pierce, Fl 34949
3. Terry W. Shafer, 1502 Faber Ct., Fort Pierce, Fl 34949
4. Irving “Chip” Shafer, 1502 Faber Ct., Fort Pierce, Fl 34949

Respectfully submitted, this 16th Day of April, 2021

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