



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

FROM: Jennifer Hofmeister, AICP, LCAM, Planning Director

RE: **Conditional Use Approval with No New Construction–
 Guarnizo Vacation Rental - 1507 Faber Court (20-0400017)**

HEARING DATE: April 19, 2021

STAFF REPORT

Owner: Andres Guarnizo and Santiago Suhail
 12 Country Lake Trail
 Boynton Beach, FL 33436

Applicant: Gary K. Oldehoff, PA
 759 SW Federal Highway, Suite 216
 Stuart, FL 34994

Applicant’s Request: Approval of a Conditional Use to operate a Vacation Rental, offering lodging for less than six (6) months. The minimum rental period is less than 30 days.

Location(s): 1507 Faber Court

Parcel ID: 2401-605-0057-000-8

Future Land Use: Low Density Residential (RL)

Current Zoning: Single-family Intermediate Residential Zone (R-2)

Surrounding FLU:

North	East	South	West
RL	RL	RL	RL

Surrounding Zoning:

North	East	South	West
R-2	R-2	R-2	R-2

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 Vacation Rental located at 1507 Faber Court. The proposed Conditional Use will offer lodging of less than six (6) months with a minimum stay of less than 30 days.

The subject property is a three (3) bedroom, two (2) bath single family pool home located on a cul-de-sac, in the Thumb Point subdivision on Hutchinson Island. The subject site is surrounded by single-family residences to the north, south, east, and west. The subject property has a Future Land Use designation of Low Density Residential (RL) with a compatible zoning classification of Single-family Intermediate Residential (R-2).



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, on the following page, 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 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 one to six and one-half dwelling units per acre. The R-2 zoning district is designed mainly for areas of single-family dwellings with an average net density of less than five units per acre for conventional developments. In addition to housing, various public facilities and other nonresidential uses are permitted under the conditions and safeguards referred to in this section.

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.

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 no two (2) vehicles per unit.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

Planning Board Recommendation

At the Planning Board November 10, 2020 meeting, the Board unanimously voted **DENIAL** on the Dwelling Rental on the basis of the following:

- The property is in a neighborhood that is not accurately described in the report and is not compatible with the proposed use.
- The proposed use would be very inappropriate in that area as it is in a dead-end cu-de-sac and it would cause great detriment to the safety and wellbeing of the neighborhood.
- It would affect the health, safety, good order and appearance, convenience, and general welfare.
- Although there were no specific violations on the property, the owner illegally applied for a Homestead Exemption on two (2) properties in the state of Florida, which would be a violation of the law and should be considered a factor in the denial.

FUTURE LAND USE MAP



Conditional Use Approval
Guarnizo Dwelling Rental
1507 Faber Court



ZONING MAP



Conditional Use Approval
Guarnizo Dwelling Rental
1507 Faber Court



October 15, 2020

Andres Guarnizo and Suhaill Santiago
12 Country Lake Trail
Boynton Beach, FL 33436

Subject: 1507 Faber Court Conditional Use application for a Dwelling Rental TRC Comments

Dear Mr. Guarnizo,

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.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. Third party liability insurance shall be provided.
7. Note that all fees for advertising, mailing, and signs shall be paid upfront with the application fees. These fees can be found on the City website under the Planning Departments page under "*Public Notice Fee*". The City also temporarily reduced some application fees and those can be found under the link "*Fee Schedule – Temporarily Reduced Fees Expire 11/30/2020*".

Fort Pierce Engineering Department

1. No comment.

Fort Pierce Code Enforcement Division

1. No comments from Code Enforcement – there is no active or prior cases at this location. The provided narrative appears to cover all the typical issues.

Fort Pierce Building Department

1. Vacation rental properties, including 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. 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.



BUILDING DEPARTMENT
TECHNICAL REVIEW COMMITTEE (TRC)
COMMENT FORM

Meeting Date: 10.15.20
Property Address: Conditional Use with No New Construction - Dwelling Rental - 1507 Faber Court

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 6th 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:

Empty rectangular box for additional comments or requirements.

Building Official's or Representative's Signature: [Signature] Date: 10/13/20



THE SUNRISE CITY
FORT PIERCE
 ENGINEERING
 DEPARTMENT

Florida

To : Jennifer Hofmeister, Planning Director

FROM : John R. Andrews, P.E., City Engineer

**RE : Conditional Use - 1507 Faber Court
 TRC No. 20-040000017**

DATE : October 7, 2020

JRA
RECEIVED
 OCT 07 2020
 CITY OF FORT PIERCE
 PLANNING & ZONING

This is to advise you that we have completed the review of the following documents as received by this office on October 2, 2020:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Conditional Use Application | <input type="checkbox"/> P/D Drawings |
| <input type="checkbox"/> Test Reports & Related Documents | <input type="checkbox"/> Certificate of Completion |
| <input type="checkbox"/> Record Drawings | <input type="checkbox"/> Permits from applicable Local, State & Federal Agencies |
| <input type="checkbox"/> Clearances from all applicable Local, State and Federal Agencies | |

Based on our reviews and appropriate site final inspection, we

- | | | |
|---|---|------------------------------|
| <input checked="" type="checkbox"/> Recommend | <input type="checkbox"/> Do Not Recommend | |
| <input checked="" type="checkbox"/> CU Approval | <input type="checkbox"/> Building Permit | <input type="checkbox"/> C/O |

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

See attached for comments

JRA/TST/tst *TST*

Q:\ENGINEERING\Site Development Projects\Addresses\1507 Faber Court\CU\Submittal No. 1 - 100220\CU Approval - 100720.docx

Jennifer Hofmeister

From: WBoyer@slcfd.org
Sent: Tuesday, October 6, 2020 4:36 PM
To: Jennifer Hofmeister
Subject: No comments for Dwelling Rental(s)

SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

Jennifer,

Hope all is well. The Fire District has no comments for Dwelling Rentals 1507 Faber Court or 1132 Granada Street.

Stay safe,



Captain Wayne Boyer, M.S., FO, MIFireE, CFEI
Water Supply Officer
Community Risk Reduction Bureau
St. Lucie County Fire District
Office: 772-621-3322 | Mobile: 772-631-8877
5160 NW Milner Drive
Port St. Lucie, FL 34983



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

Technical Review Committee Meeting October 15, 2020

TECHNICAL REVIEW PROJECT # 20- 040000017

Conditional Use – Guarnizo- 1507 Faber Court Dwelling Rental

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.fpu.com



THE SUNRISE CITY
FORT PIERCE
POLICE DEPARTMENT
"In Honor We Serve"

Florida

Technical Review Committee meeting

October 15th, 2020

Case # 20-04000018

Planner: Jennifer Hoffmeister

Conditional Use with no new construction

1132 Granada St., Ft. Pierce (Scalone Residence dwelling rental)

Comments:

No comments at this time.

Officer Damian Spotts

Crime Prevention Practitioner

Fort Pierce Police Department.

Jennifer Hofmeister

From: SANDERS, MARVIN E. <marvin.sanders@stlucieschools.org>
Sent: Tuesday, October 13, 2020 8:42 AM
To: Alicia Rosenthal; Jennifer Hofmeister; Brandon Creagan; Vennis Gilmore
Subject: TRC Projects 10-15-2020

SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

TRC Projects:

- a. Annexation - 2564 South Kings Highway
- b. Conditional Use - Sunshine Arcade - 2202 North US Highway 1
- c. Conditional Use - CCCL/Height - Parcel ID: 2412-501-0125-000-1
- d. Conditional Use with No New Construction - Dwelling Rental - 1507 Faber Court
- e. Conditional Use with No New Construction - Dwelling Rental - 1132 Granada Street
- f. Minor Site Plan - Duplex - 1021 North 12th Street
- g. Minor Site Plan - Duplex - 1231 Avenue K
- h. Minor Site Plan - Duplex - 1308 North 22nd Street
- i. Text Amendment - Chapter 125 - Residential

The St. Lucie County School District has reviewed the above reference project and have we do not have any comments or concerns.

Please feel free to contact me if you have any questions.

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



9461 Brandywine Ln
Port St Lucie, FL 34986



office 772.429.7547
cell 772.216.5755

