

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
MAY 17, 2012 – 5:30 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT
JAMES PASTOR-Absent
BARBARA JENNINGS-Absent

JON MOORE
CHARLIE UGARTE

Staff

Lorraine Lyn, City Planner
Scott Rudacille
Char Patterson

ORDER OF BUSINESS:

Chair Gilbert called the meeting to order at 5:30 p.m.

1. **Approval of April 19, 2012 Meeting Minutes** Tab 1

Mr. Urgarte moved to approve the April 19, 2012 meeting minutes. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY**

2. **Conditional Use Permit (CU 12-01)/North River Properties Management, Inc. 713 17th St W.** Tab 2

Conditional Use Permit Application (CU 12-01) by North River Properties Management, Inc./C&D Fruit & Vegetable Co. Inc., located at 713 17th St W. to make an existing farm worker housing conforming to the City's Zoning Ordinance.

Action request: Motion to approve, approve with modifications or deny the request for CU-2012-01 for property identified as 713 17th St W.

City Planner Lorraine Lyn reported that this application for a Conditional use (2012-01) is for farm working housing located at 713 17th St W owned by North River Properties Management, Inc. also known as C&D Fruit & Vegetable, Inc. They are requesting a conditional use for farm worker housing/farm labor camp. The land use category is GCOM as it located along a fairly major roadway, 17th Street W and the Zoning district is RM-6.

The other item on the agenda also has to do with Farm Worker Housing. C&D knew that this ordinance was coming down the pike and they have applied in advance of its adoption. The

ordinance that you will hear later will make recommendations to establish conditions or stipulations for the Conditional Use. C&D has tried to comply with the conditions including the Police Department CPTED Review (Crime Prevention through Environmental Design). Staff has confirmed that this Farm Worker Housing has secured a permit from the Manatee County Health Department. They applied for 23 units with a new building and a single family unit for a care taker in the previous application from 2008. Their variance to the rear set back was denied by the Planning & Zoning Board on January 12, 2009, hence there was no conditional use approval.

Based on previous staff reports they replaced water & sewer line on the south side of property and have made several improvements since they bought the property in 2005 from another packing plant company. Staff recommends approval of this conditional use considering the time it has been used as such, the efforts they have made to comply with code, the Comp Plan's objective 3.9, Policies 3.9.2 and 3.5.1 which basically allows farm worker housing in the appropriate locations and encourages affordable housing including farm worker housing within City limits.

Eric Gilbert asked how is the property going to be affected by the proposed Ordinance and does what they are applying for, meet the new proposed Ordinance.

Ms. Lyn replied that a review of property based on proposed ordinance is included in the packets.

1. Density is less than 10 unit per acres: meets density
2. Completed the CPTED review; required in proposed Ordinance.
3. Responded to CPTED review: replaced lighting in unit's #1-6, illuminated the parking area and in front of units, removed a tree by unit #10, and brush behind unit #11.

Scott Rudacille said the project which complies with the proposed Ordinance would also allow for Farm Worker Housing Conditional Use in the RM-6 district so it has no impact on this project. The proposed project complies with all of the requirements of the proposed and current Ordinance.

Chair Gilbert opened the public hearing

Raymond Varnadore spoke opposing the granting of the conditional use permit stating it is the wrong type of housing for Palmetto, especially with all the beautifications projects going on. Mr. Varnadore asked if the owner planned on expanding. Ms. Lyn replied not with this conditional use application.

Chair Gilbert closed the public hearing

Discussion continued regarding the 4 stipulations that the 2008 P&Z board had recommended for the site; fence on south side of property, entire property in compliance with applicable codes, working with city to replace appropriate utilities, and the inclusion of the residence of an on-site caretaker with contact information visibly posted.

Mr. Moore asked was this request in response to a pending Ordinance and could they operate without this Conditional Use Permit. Ms. Lyn stated they would not be conforming to the code because the code requires a conditional use; they have the appropriate zoning of RM-6 but they are operating on a non-conforming basis without the conditional use.

Motion: Mr. Ugarte moved to approve CU 12-01 with the conditions from previous remaining P&Z Board actions and current staff recommendations. Motion died for lack of second.

Discussion followed regarding the CPTED requirements. Ms. Lyn noted there is a fence on the south side already; Mr. Ugarte added that the plumbing and utilities improvements had been made.

Mr. Moore inquired whether the owner was going to follow the recommendation of the Police Dept. and install the video surveillance on the property.

John Cucci spoke regarding the recommendation of Lt. Tyler surveillance camera and explained that right now they did not have plans to install one, however they are going to do everything else that was recommended, trees and brush have already removed, lighting has been/is being installed.

Mr. Ugarte asked if the property was in the CRA and if it was, CRA may have some incentives to help with the cost. Discussion continued regarding cost, this being a recommendation, protecting residents, community standards, etc.

Mr. Ugarte recommended that research should be done on the price of installing a surveillance camera before the issue is taken to the City Commission and to contact the CRA regarding possible funding.

Motion: Mr. Ugarte moved, Mr. Moore seconded and the motion carried unanimously to approve the CU 12-01 with the recommendations of staff CPTED report with the recommendation to look into the cost of video surveillance and also the previous remaining recommendations of the P&Z Board.

Previous recommendations from P&Z Board July 14, 2008:

Fence on south side of property, entire property in compliance with applicable codes, working with city to replace appropriate utilities, and the inclusion of the residence of an on-site caretaker with contact information visibly posted.

3. **Farm Worker Housing Conditional Use Stipulations Ord. 2012-07**

Tab 3

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM WORKER HOUSING AND BOARDING/ROOMING HOUSES AS CONDITIONAL USES IN THE RM-5 AND RM-6 ZONING DISTRICTS; REMOVING BOARDING/ROOMING HOUSES AS A PERMITTED USE IN THE CN AND CG ZONING DISTRICTS; AMENDING GENERAL STANDARDS FOR CONDITIONAL USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lyn explained that this was a City initiated change to the Zoning Code to provide standards or conditions for farm worker housing as a Condition Use (CU) in the RM-6 and RM-5 zoning districts. Currently the Code allows a Conditional use in the RM-6 only for farm labor camps and does not contain any standards or criteria by which to consider these uses.

The Code permits duplexes in RM-5 and apartments in RM-6. Staff has incorporated a recommendation to add duplexes as a permitted use in the RM-6 district based on the last Commission workshop on May 7, 2012. However the City Attorney's Office said this change would require re-noticing.

The Mayor and staff met with several if not all of the agricultural community for their input. They suggested that the term "farm labor camp" be changed to "farm worker housing". The new ordinance is similar to the 2011-33 regarding contact information of property owner/manager; CPTED review by the Police Department but it does not contain the gateway buffer areas. Staff recommended approval of the Ordinance.

Mr. Rudacille said the aesthetic based provisions and the gateway provisions that were originally in the ordinance have been pulled on the suggestion of community members that some of the restrictions should not solely apply to Farm Worker Housing. The intentions are to bring them back with a Gateway Ordinance which is not before you today but will be coming shortly.

Mr. Rudacille explained that rooming/boarding houses were included into the Ordinance as they are similar in type of use and subject to the same restrictions. The Ordinance provides the opportunity for existing facilities that are in a zoning category that does not allow for a Conditional Use (addresses listed in the Ordinance, page 3) to apply by September 30, 2012 and to be approved as a conditional use. The City's intention is not to get rid of the facilities but to make sure they are safe and located appropriately.

Chairman Gilbert opened Public Hearing.

Attorney Patricia Petruff with Dye, Dietrich, Petruff & St. Paul, representing Palmetto Land Company, LLC spoke opposing the adoption of the Ordinance and submitted a letter and requested that it be turned in for official record. SEE ATTACHED.

Attorney Ricinda Perry, representing Pacific Tomato Growers, LLC spoke opposing the adoption of the Ordinance and submitted a letter from Garrett and Associates, Inc. and requested that it be turned in for official record. SEE ATTACHED.

Billy Heller, COO with Pacific Tomato Growers thanked Ms. Lyn for her all of her help in this matter. Mr. Heller stated that they feel they are being targeted, that he has been working with the MPO on a grant for landscaping because he wants the people living in his housing to be safe, and it is important to him that the property is maintained properly. Manatee County Health Department inspects it on a regular basis and they are regulated to the hilt. He continued by stating that he opposes the Ordinance.

Jay Taylor owns several properties that are affected by this Ordinance, he feels as if this is discrimination and if you are trying to help the farm workers then they or their advocates should be included. Migrant housing is deeply regulated by the Manatee County Board of Health: to ask us to go through a permit process with something we have been doing for decades is abhorrent.

David McDaniel representing Pacific Tomato Growers has been actively involved looking over this Ordinance and if the intent is truly to help the migrant workers then he is willing to continue to work with staff and he encourages the board to table this matter so more work can be done on the Ordinance.

Chairman Gilbert closed the Public Hearing.

Mr. Ugarte said that he was surprised with some of the objections and he agreed to table the Ordinance and speak with the owner's to come up with some kind of common ground and that he did not feel that any discrimination was intended.

Chairman Gilbert summarized the issues indicating that the CU gives the City the opportunity to make sure that the residents are being taken care of, and agreed that no discrimination was intended; the intent was to protect the residences from surrounding areas and for all the properties to come into compliance.

Mr. Ugarte inquired why boarding houses are being included in the Ordinance and discussion ensued with regards to the definition of boarding houses and possible workshops to discuss proposed Ordinance.

Chair Gilbert asked staff to review the letters that Ms. Petruff and Ms. Perry turned into the clerk and report back at the next meeting regarding the content.

Discussion continued regarding boarding houses vs. farm worker housing, definition of farm working housing in specific locations and farm worker housing being located only on the farms in Manatee County.

Motion: Mr. Moore moved, Mr. Ugarte seconded and the motion carried unanimously to continue Ordinance 2012-07 until the next scheduled P&Z meeting, June 21st, 2012 at 5:30 p.m.

It was the General Consensus of the Board that future meetings with the farm workers, their advocates, farm worker housing owner's etc. were needed to discuss the proposed Ordinance.

4. Old Business

a. None

5. New Business

a. None

6. Adjournment

The meeting adjourned at 7:16 p.m.