

TAB 8



# City of Palmetto Agenda Item

Meeting Date

7/16/12

Presenter:

Lorraine Lyn

Department:

Planning

Title:

**Continued public hearing on 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.**

The City's Zoning ordinance permits farm worker housing only within the RM-6 zoning district as a Conditional Use. The City is considering an amendment to the Zoning Ordinance to establish standards for conditional use approval for farm worker housing and rooming/boarding houses in the RM-5 and RM-6 zoning districts (Ord 2012-07). It will also change the term "farm labor camp" to "farm worker housing."

The City Commission's June 18, 2012 public hearing on CU 12-01 was continued primarily because the Planning and Zoning Board's recommended CPTED suggestions required clarification and more specificity to be added as conditions of approval. In addition, the applicant was not present.

The site is zoned RM-6 and contains 7 buildings with 13 units which have been used for farm worker housing for several years. It is one of the 15 farm worker housing facilities within the City limits that are permitted by the Department of Health. It is the second to apply for a Conditional Use. A previous attempt in 2008 by C&D Fruit & Vegetable for a CU failed because the variance to the rear setback (required for the expansion) was denied. This proposal complies with the density requirements of the Plan and meets the conditional use standards of the Code. It has secured a permit from and will be monitored by the County Department of Health for sanitation and health standards.

The P&Z Board recommended APPROVAL with the following conditions:

- A. Inclusion of a residence of an on-site caretaker with contact information visibly posted;
- B. Concurrence with the recommendations of staff CPTED report;
- C. Recommendation to look into the cost of video surveillance.

Regarding item B above, the applicant has met the recommendations of the CPTED report except the following:

- 1. If vinyl fence on 17th St is replaced, use style and material that allows visibility.
- 2. Encourage installation of video surveillance covering main and apartment entrances, parking areas and rear areas. Web based security system to allow remote monitoring on site & advantages for video footage.

Budgeted  
Amount:

Budget Page  
No(s):

Available  
Amount:

\$0.00

Expenditure  
Amount:

\$0.00

Additional Budgetary  
Information:

Funding  
Source(s):

Sufficient  
Funds Available:

☐ Yes  
☐ No

Budget  
Amendment  
Required:

☐ Yes  
☐ No

Source:

City Attorney  
Reviewed:

☒ Yes  
☐ No  
☐ N/A

Advisory Board  
Recommendation:

☒ For  
☐ Against  
☐ N/A

Consistent  
With:

☒ Yes  
☐ No  
☐ N/A

Palmetto 2030  
Comprehensive  
Plan

Potential  
Motion/  
Direction  
Requested:

The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed Conditional Use Permit

Staff Contact:

Lorraine Lyn

City Planner

723-4580 Ext. 2135

Attachments:

Staff report

**CONDITIONAL USE PERMIT NO. CU2012-01**  
**North River Properties Management, Inc. aka C&D Fruit & Vegetable Co. Inc.**

**FINAL ORDER OF THE CITY COMMISSION FOR THE CITY OF PALMETTO**  
**GRANTING CONDITIONAL USE PERMIT NO. CU2012-01 FOR A FARM LABOR**  
**CAMP LOCATED IN THE RM-6 ZONING DISTRICT AT**  
**713 17th STREET W, PALMETTO**

**WHEREAS**, a Conditional Use Permit may be issued for a Farm Labor Camp in the RM-6, Multiple Family Residential zoning district; and

**WHEREAS**, the Farm Labor Camp use is listed under the Schedule of Permitted and Conditional Uses by District in Sec. 4.2 of the Zoning Ordinance; and

**WHEREAS**, the adopted Future Land Use Element designates the subject property as GCOM (General Commercial); and

**WHEREAS**, North River Properties Management, Inc./C&D Fruit & Vegetable Co. Inc. has submitted an application for a conditional use permit for a 13 unit Farm Labor Camp located at 713 17th Street W; and

**WHEREAS**, the Planning and Zoning Board held a noticed public hearing on May 17, 2012 at which the Board received testimony and evidence from the applicant, City Planning staff, and members of the public in attendance; and

**WHEREAS**, the City Commission held a noticed public hearing on June 18, 2011 and July 16, 2012 at which the Commission received testimony and evidence from City Planning staff and members of the public in attendance.

**NOW, THEREFORE**, after consideration of the application for Conditional Use Permit No. CU2012-01 requested by North River Properties Management, Inc./C&D Fruit & Vegetable Co. Inc., the City Commission makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact. After considering the evidence on the record and that presented at public hearing, including the staff report and the recommendation of the Planning and Zoning Board, the City Commission hereby makes the following Findings of Fact.

The applicant, North River Properties Management, Inc. aka C&D Fruit & Vegetable Co. Inc. is requesting approval of a 13 unit Farm Labor Camp located at 713 17th Street W, Palmetto.

Section 2. Conclusions of Law. Based upon the Findings of Fact and considering the testimony, evidence, documentation, the staff report presented, the recommendation of the Planning and Zoning Board, and a review of the applicable provisions of the City of Palmetto Comprehensive Plan and Zoning Code, the City Commission hereby makes the following Conclusions of Law:

- A. The Zoning Code permits Farm Labor Camps in the RM-6 zoning district as a conditional use. The proposed conditional use meets the standards of Section 15.4 as further described below:
- a. Provided the applicant complies with the conditions prescribed herein, the proposed use is consistent with the stated purpose and intent of the RM-6 zoning district regulations and this ordinance, and consistent with the Comprehensive Plan.
  - b. The proposed use complies, where applicable, with the regulations of the RM-6 zoning district.
  - c. The use is compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, noise, drainage, dust, lighting, appearance, and effect on property values.
  - d. The site is environmentally suitable for the proposed use and such use does not have a substantially adverse impact on the natural environment. Soils, drainage, flood hazards, wildlife, and air and water quality are among the factors considered in this regard.
  - e. The proposed use is consistent with providing for efficient and orderly development, considering, without limitation, such factors as provision of public facilities and services, growth patterns, and energy conservation.
  - f. Necessary public facilities and services, such as sanitation, water, drainage, emergency services, education, recreation, and similar facilities and services adequately serve the existing buildings.
  - g. The proposed use does not create hazardous vehicular or pedestrian traffic conditions nor result in traffic exceeding the capacity of streets and intersections serving the use.
  - h. The proposed use includes screening within the existing development.
  - i. Outdoor lighting but not signs are proposed for the subject property.

B. As defined in Sec. 3.2 of the Zoning Ordinance, Farm Labor Camps may be used as living quarters for migrant farm workers, which is consistent with the Future Land Use category of GCOM and the Comprehensive Plan.

C. Provided the applicant complies with the conditions prescribed herein, the proposed use does not adversely impact on the public interest or adjacent property and all necessary alternative measures have been taken by the applicant to prevent any such impact.

D. The conditional use is not discriminatory.

Section 3. Order. Based upon the foregoing, a Conditional Use Permit is hereby approved and issued to North River Properties Management, Inc. aka C&D Fruit & Vegetable Co. Inc. located at 713 17th Street W, Palmetto and more particularly described in Exhibit "A" attached hereto and incorporated herein, to allow for a 13 unit Farm Labor Camp subject to the following conditions:

- A. Inclusion of a residence of an on-site caretaker with contact information visibly posted;
- B. Use of style and material that allows visibility if vinyl fence on 17<sup>th</sup> St is replaced;

The City recommends that the applicant consider the installation of security cameras, but same is not required as a condition of this approval.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no

manner affect the remaining portions or sections of the Conditional Use Permit which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Conditional Use Permit shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Court and receipt of a copy of the recorded order by the City Planning Department.

**ORDERED ON BEHALF OF THE CITY OF PALMETTO this 16th day of July, 2012.**

**THE CITY OF PALMETTO, BY AND THROUGH  
THE CITY COMMISSION OF THE CITY OF  
PALMETTO**

**BY: \_\_\_\_\_  
Shirley Groover Bryant, as Mayor**

**ATTEST: James R. Freeman  
City Clerk**

**By: \_\_\_\_\_  
City Clerk/Deputy Clerk**

## **EXHIBIT A**

Legal Description for Conditional Use Permit No. CU2012-01

Applicant: North River Properties Management, Inc./C&D Fruit & Vegetable Co. Inc.

**Address:** 713 17th Street W, Palmetto  
Section 14, Township 34S, Range 17E

Lots 27, 28, 29, 30, 31, 32 & 33 of Entrance Park Subdivision, as per Plat thereof recorded in Plat Book 4, Page 49, of the Public Records of Manatee County, Florida. Less Right of Way takings as per recorded in Official Record Book 2227, Page 3894, of the Public Records of Manatee County, Florida.

**Staff Report**  
**Conditional Use Permit (CU-2012-01)**  
**Farm Worker Housing**  
**713 17th Street W**

**BACKGROUND**

North River Properties Management, Inc./C&D Fruit & Vegetable Co. Inc. is the applicant of this Conditional Use (CU) for a 13 unit farm worker housing located within the Residential Multi-Family (RM-6) zoning district. The purpose of the CU request is to bring this farm worker housing facility into compliance with the City's zoning requirements. The subject farm worker housing is located in the north end of the City west of 8<sup>th</sup> Avenue and designated General Commercial (GCOM) on the Land Use Plan.

The City's Zoning ordinance permits small (less than 10 units) and large (more than 10 units) farm labor camps only within the RM-6 zoning district as a Conditional Use. The City is currently processing an amendment to the Zoning Ordinance to establish standards for conditional use approval for farm worker housing and rooming/boarder houses in the RM-5 and RM-6 zoning districts. It will also change the term "farm labor camp" to "farm worker housing."

**ADDRESS/PARCEL ID/SIZE**

713 17th Street West/2625600008/1.37 acres

**PROPERTY OWNER**

North River Properties Management, Inc. (formerly known as C&D Fruit & Vegetable Co. Inc.)

**PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USE OF SUBJECT PARCELS**

GCOM/RM-6/multi-family residential (farm worker housing)

**PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USES OF SURROUNDING PROPERTIES**

1. North: GCOM/CG/commercial (Goodson Electric), mini-storage & vacant land
2. South: GCOM /CG & RM-6/single-family residential
3. East: GCOM /RM-6/multi-family residential
4. West: GCOM /CG/vacant land

**ANALYSIS**

The site currently contains seven buildings with 13 units which have been used for farm worker housing for several years. Originally built as a motel in 1953, it has been owned by at least two agricultural entities; the current owner, North River Properties Management, Inc./C&D Fruit and Vegetable Company, Inc. who purchased the property in 2005 and Taylor and Fulton who owned it previously. It is one of the 15 farm worker housing facilities within the City limits. Most, if not all of these facilities have existed since at least 2002. They require permitting through the County Department of Health which monitors sanitation and health standards relating to construction, operation and maintenance of these facilities. The most recent applications for a CU for farm worker housing in the City include the following:

- a. A CU was granted to recognize an existing farm worker housing located at 2005 and 2011

- Bayshore Road for Sunnydale Properties on November 22, 2011 (CU11-03);
- b. A CU (CU08-03) application to recognize existing farm worker housing at 713 17<sup>th</sup> Street W and to add 2 more buildings died as an associated rear setback variance was denied in 2009 (C&D Fruit & Vegetable Co. Inc.);
  - c. Taylor Fulton, Inc. applied for a rezoning from RS-4 to RM-6 and a CU for farm worker housing at 409 9<sup>th</sup> Street W; both were withdrawn on April 12, 2004 (Z&CU04-01).

In 2008, C&D Fruit & Vegetable Co. applied for a CU (CU08-03) for 23 units with improvements including the addition of a new 9-unit building and an on-site caretaker's S F unit. The 2008 staff report indicated that the applicant had worked with staff to replace the water and sewer lines located along the south property line. These utilities were in dire need of replacement and the applicant agreed to do so. The Planning and Zoning Board voted unanimously to approve the application with four stipulations recommended by staff; 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. The City Commission's public hearing was deferred until a variance to the rear yard setback was decided. Variance (08-02) was denied by the P&Z Board at its January 12, 2009 meeting following staff's recommendation of denial.

## **PLAN COMPLIANCE**

The City's Zoning Code defines *Farm Labor Camp* as:

*One (1) or more buildings or structures, or any portion thereof, together with the land appertaining thereto, established, operated, furnished as an incident of employment or used as a living quarters for seasonal, temporary or migrant farm workers or their families, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.*

The City's Comprehensive Plan permits farm worker housing in appropriate locations of the City and encourages the provision of affordable housing including farm worker housing within the City limits as demonstrated by the following Plan objective and policies:

*Objective 3.9: Continue to recognize the need for safe and sanitary farm worker housing within the City.*

*Policy 3.9.2: The City will permit farm worker housing in appropriate locations in accordance with the City's land development regulations.*

*Policy 3.5.1: The City shall provide information, technical assistance and efficient permitting processes to assist the private sector to maintain a rate of housing production especially for affordable housing sufficient to meet the needs of the population.*

## **REQUESTED APPROVAL**

The following standards shall apply to all applications for Conditional Use permits pursuant to Sec. 15.4 (C) of the Zoning Ordinance.

### **1. Purpose and Intent: The Comprehensive Plan**

The proposed use shall be consistent with the stated purpose and intent of the applicable zoning district regulations and this ordinance, and consistent with the Comprehensive Plan.



**This Conditional Use proposal for farm worker housing is permitted in the RM-6 zoning district as outlined in Sec. 4.2, the use table of the City's zoning ordinance. The Conditional Use permit provides for review of a subject site to determine whether or not it is appropriate for a farm worker housing use while recognizing the need for these uses, consistent with the Housing Element of the Comprehensive Plan. The subject farm worker housing currently exists and is seeking to conform to Code with a conditional use permit.**

## **2. Applicable district regulations**

The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.

**This Conditional Use proposal for a farm worker housing complies with the RM-6 zoning district in terms of the use but does not comply with the type of structure or most dimensional requirements as it is likely that the property was originally developed as a motel in 1953 (per Property Appraiser's information). At 9.48 du/ac, the density of the farm worker housing meets the 10 du/ac density of the Plan category and the RM-6 zoning district.**

**Pursuant to Sec. 7.9 of the Zoning ordinance, a structure which is nonconforming, due to noncompliance with the dimensional requirements of the official schedule of district regulations of the Code may remain provided that any structural changes not increase the degree of nonconformity and if destroyed to the extent of more than 50% of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located. Routine repairs and maintenance of a nonconforming structure or replacement of nonload bearing walls shall be permitted. No structural changes are proposed to the subject property.**

## **3. Compatibility**

The proposal shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, noise, drainage, dust, lighting, appearance, and effect on property values.

**The subject property is designated GCOM Plan category and located along 17<sup>th</sup> St. W, a two-lane roadway. Since farm worker housing has been operating on site for several years, it is not likely to have an adverse effect on traffic, lighting, appearance, or surrounding property values.**

## **4. Environment**

The site shall be environmentally suitable for the proposed use and such use shall not have a substantial adverse impact on the natural environment. Soils, drainage, flood hazards, wildlife, and air and water quality shall be among the factors considered in this regard.

**The existing development was built in 1953. This conditional use application to recognize the existing farm worker housing use is not expected to have a substantial adverse impact on the natural environment.**

## **5. Orderly development**

The proposal shall be consistent with providing for efficient and orderly development, considering, without limitation, such factors as provision of public facilities and services, growth patterns and energy conservation.

**This CU application is for existing farm worker housing which has operated at this location for a number of years. There are other residential uses in the immediate area along 17<sup>th</sup> Street W**

**including a multi-family structure abutting the eastern property line of the subject site.**

#### **6. Public facilities and services**

Necessary public facilities and services, such as sanitation, water, drainage, emergency services, education, recreation and similar facilities and services shall be adequate to serve the proposed use.

**According to the 2008 staff report, water and sewer lines located along the south property line were replaced in 2008.**

#### **7. Traffic**

The proposal shall not create hazardous vehicular or pedestrian traffic conditions nor result in traffic exceeding the capacity of streets and intersections serving the use.

**This farm worker housing has been in operation since at least 2005 and is located along 17th St. W, a two-lane roadway which was recently improved by Manatee County. 17<sup>th</sup> Street W is classified in the MPO's 2035 LRTP as "Not Congested" in the Projected Volumes on Committed Roadway Network for the Year 2035. No additions to this facility are proposed with this CU.**

#### **Screening and buffering**

The proposal shall include screening and buffering as necessary to minimize adverse impacts on surrounding land uses.

**The subject property is fenced on all sides and has a gate at the entrance. This proposal was reviewed for CPTED by the Police Department. Refer to Appendixes A and B.**

#### **8. Signs; lighting**

Signs and outdoor lighting which may be involved in the proposal shall be designed to ensure that the use harmoniously fits into its surrounding.

**This is an existing use. Signs are not proposed for the subject property. This proposal was reviewed for lighting as part of the Police Department's CPTED review. Refer to Appendixes A and B.**

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed conditional use permit for the following reasons:

- a) The proposed CU is for an existing use that has operated in the City for years and has maintained the facility by making onsite improvements. The applicant is making a good faith effort to comply with City requirements including CPTED review (Refer to Appendix A) after an attempt to expand and bring this facility up to code failed in 2008;
- b) This farm worker facility has secured a permit from and will be monitored by the County Department of Health for sanitation and health standards.
- c) This CU is consistent with the City's Zoning Ordinance meeting the aforementioned conditional use standards, and with the Palmetto 2030 Comprehensive Plan which recognizes a need for such uses.

#### **PLANNING AND ZONING BOARD RECOMMENDATION:**

At its regularly scheduled meeting of May 17, 2012, the Planning and Zoning Board recommended **APPROVAL** of the proposed Conditional Use permit with the following conditions:

- A. Inclusion of a residence of an on-site caretaker with contact information visibly posted;**

- B. Concurrence with the recommendations of staff CPTED report;**
- C. Recommendation to look into the cost of video surveillance.**

Regarding item B above, the applicant has met the recommendations of the CPTED report except the following:

1. If vinyl fence on 17<sup>th</sup> St is replaced, use style and material that allows visibility.
2. Encourage installation of video surveillance covering main and apartment entrances, parking areas and rear areas. Web based security system to allow remote monitoring on site & advantages for video footage.

#### **CITY COMMISSION**

The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

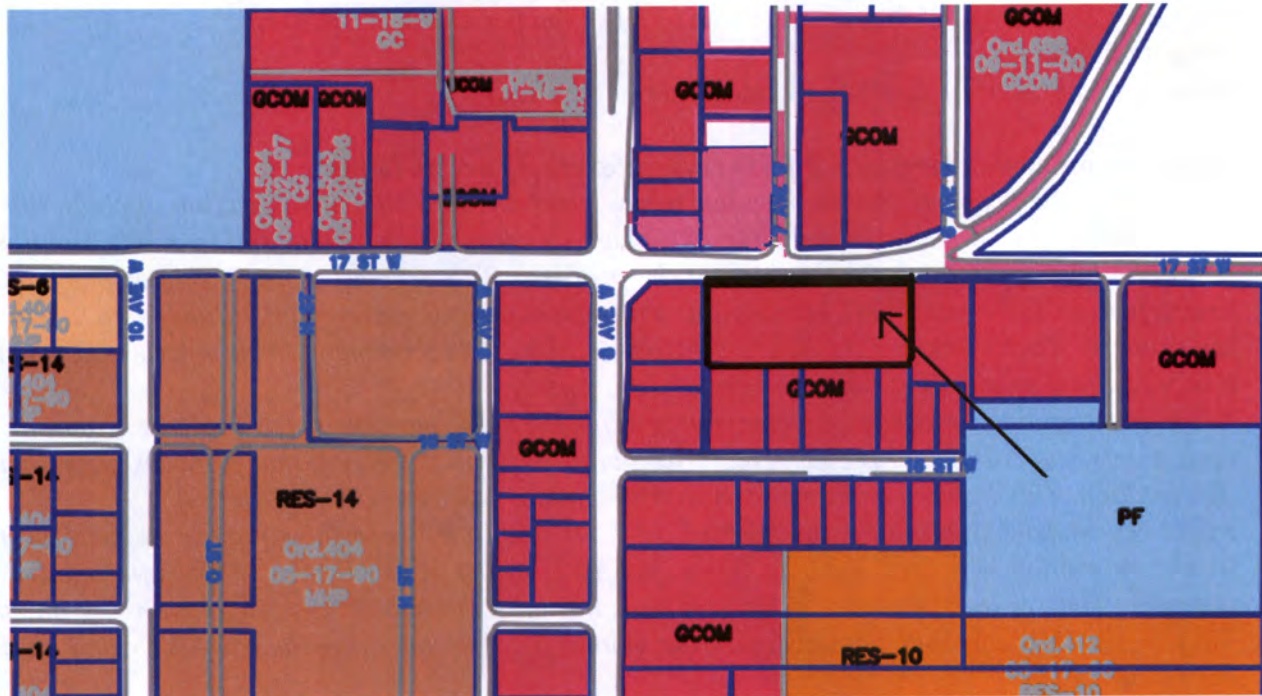
**AERIAL PHOTO**  
**Conditional Use Permit (CU-2012-01)**  
**Farm Worker Housing**  
**713 17th Street W**



713 17th Street W

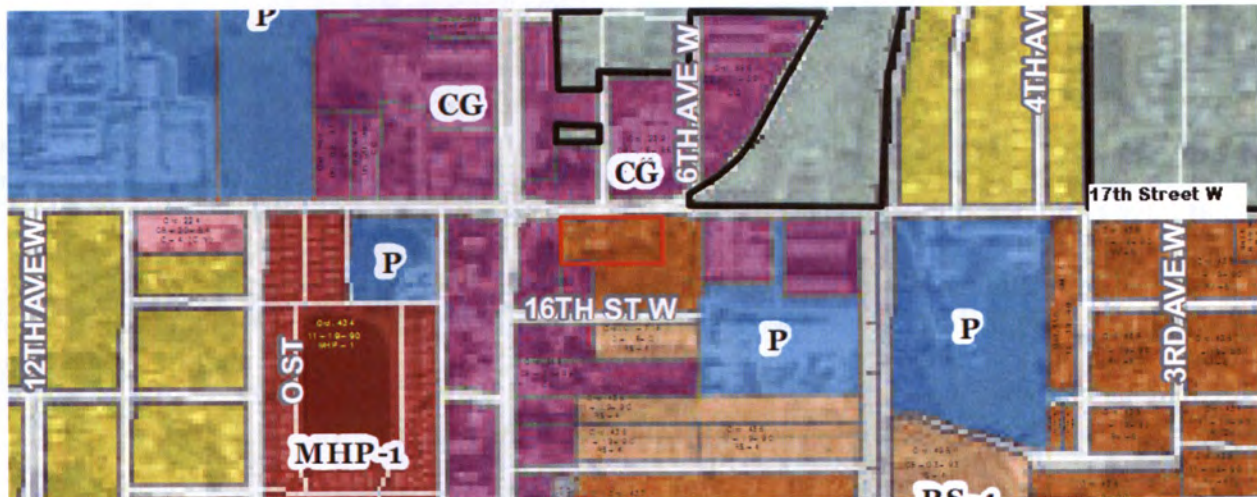


**FUTURE LAND USE PLAN MAP**  
**Conditional Use Permit (CU-2012-01)**  
**Farm Worker Housing**  
**713 17th Street W**



**713 17<sup>th</sup> St W = General Commercial**

**ZONING MAP**



**713 17<sup>th</sup> St W = RM-6**

*North River Properties Management, Inc. CU2012-01*  
*713 17<sup>th</sup> Street W*  
*July, 2012*



**APPENDIX A**  
**Compliance with Proposed Ordinance 2012-07**

1. Prior to consideration of a CU permit, the facility shall undergo CPTED review by the Police Chief, or his or her designee, who shall prepare recommendations to be considered during the review process. Safety improvements to be considered include but are not limited to:
  - (a) Screening, including fencing around some or all of the perimeter of the site.
  - (b) Security lighting.
  - (c) Security cameras (may be recommended but not required).

**This petition has undergone CPTED review; excerpts are as follows:**

- (a) *The front of the property (north side) has a new vinyl fence (with a small section of chain link on the west end, next to the main entrance). Although this fence is attractive and in good condition, it is not the best application for this side of the property. This fencing actually shields much of the property from 17<sup>th</sup> Street West, eliminating any opportunity for natural surveillance into and out of the property. In the future if this fencing is to be replaced, I recommend using a style and material that will allow people to see into and out of the property.*
- (b) *Additional lighting is needed to completely illuminate the parking areas and the fronts of the apartments and cottages. I recommend metal halide or similar lighting that provides clean, bright illumination. This lighting could be activated by a photo cell for energy efficiency. I also recommend lighting for the back of the units and in between the cottages. A good solution would be motion-activated security lights mounted on the back corners of the apartments and cottages. The sensors on these lights can be adjusted to minimize false activations by animals. They would light up when persons enter the motion field, illuminating the trespasser and alerting the residents.*
- (c) *I encourage the owner to consider installing video surveillance on the property. Coverage should include the entrance to the property and parking areas, as well as the entrances to the apartments and the rear areas.*
- (d) *The front doors that do not have a window should have wide-angle "peep hole" viewers installed to allow the occupants to look outside before opening the door.*
- (e) *I recommend removing the lattice by cottage #12 to open this covered area up to natural surveillance.*

**The applicant agreed to install motion lights between units 1 and 6 and to replace the bulbs in the two lights to complete illumination in the parking areas and the front of the apartments and cottages. The applicant also removed a tree between the fence and unit 10 and brush behind unit 11. The applicant installed peep hole viewers for front doors which do not have windows. The applicant has removed the lattice by cottage #12.**

2. An applicant shall provide evidence of current permits and licenses required for such use by appropriate state and/or federal agencies. Upon approval, applicant shall be required to maintain such permits or licenses, and shall at all times comply with applicable state and federal requirements for such use.

**The applicant has a current permit from the Department of Health.**

3. The property owner shall maintain updated contact information with the City's Code Enforcement Officer, including name, address and telephone number for the property owner and the property manager.

**The applicant has complied with this provision.**

4. The accessibility of the proposed use to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies.

**There are laundromats, grocery stores and other retail uses on 8<sup>th</sup> Avenue to serve the subject farm worker housing.**

5. All applicants for a conditional use permit shall provide a site plan which accurately depicts existing and proposed structures and uses, site acreage, open spaces, setbacks, parking, internal vehicle circulation, landscaping, utilities, easements, access points, signage, and other details reasonably required by the City Planner based on the proposed use. A survey may be provided in lieu of a site plan, if the development is existing and no structural improvements are proposed.

**A survey of the existing site was submitted as part of this application as no structural improvements are proposed.**



## APPENDIX B

# Security Survey for the 713 17<sup>th</sup> Street West



May 2nd, 2012  
Prepared by Lt. Scott Tyler  
Palmetto Police Department  
1115 10<sup>th</sup> Street West  
Palmetto, Florida 34221  
941-723-4587 x6360  
[styler@palmettopolice.com](mailto:styler@palmettopolice.com)



The purpose of this survey is to provide basic CPTED and security recommendations for the apartments at 713 17<sup>th</sup> Street West. This security survey is not intended to identify all security weaknesses or to warrant the adequacy of all past or present security measures, whether or not recommended. This security survey contains sensitive information about the security systems and practices at 713 17<sup>th</sup> Street West and is considered confidential and exempt from public records disclosure under Florida State Statute 281.301.

This survey was conducted with an eye not only to traditional security practices but also CPTED, or Crime Prevention Through Environmental Design. This is a concept that recognizes that the proper design and the effective use of the built environment can lead to a reduction in the fear and incidence of crime and a corresponding improvement in the quality of life. In simple terms, it calls for grounds and structures to be built, improved, and maintained in such a way that they discourage crime. Criminals will tend to congregate and commit crimes in environments that encourage criminal activity and will avoid areas that don't.

CPTED has a few basic concepts. The first, natural surveillance, refers to features that allow and encourage people to see in and out of an area, so they can keep an eye on the space. The second concept involves natural access control. This simply means controlling access to an area, defining boundaries, and defining places where users or visitors are allowed to be. The third concept involves territorial behavior, or what is expected in a space. It includes the perception that a neat, well-cared for property conveys a sense of ownership and discourages abnormal, or criminal, behavior. Neglected properties convey a sense of abandonment or that no one cares (encouraging criminal activity). I will refer to these CPTED principals throughout this survey.

### **Overview**

I was invited to perform a security survey of the apartments located at 713 17<sup>th</sup> Street West by owner John Cucci. I met with Mr. Cucci and we toured the site on April 16th. I also toured the site at night. The Apartments are on a multi-acre site that includes one row of six apartments in a single, one story building, as well as several free standing cottages. There is also a large building that runs nearly the entire length of the west boundary. It appears to be used for housing and storage.

### **Security Around the Apartments**

Each apartment in the row of six has a front door and minimal windows. The doors and windows seem to be in good condition. Care should be taken to ensure that the doors and windows have good locking hardware, locks, and pry guards on the outside. The front doors that do not have a window should have wide-angle "peep hole" viewers installed to allow the occupants to look outside before opening the door.

The cottages also have doors and windows that seem to be in good condition. The cottages would also benefit from good locking hardware, locks, and pry guards on the outside. The front doors that do not have a window should have wide-angle "peep hole" viewers installed to allow the occupants to look outside before opening the door.

The property is very open, with minimal landscaping. At a site like these apartments,

this is preferred. Open areas allow for good natural surveillance and eliminate hiding spots for intruders. When I originally toured the property with Mr. Cucci, I pointed out a tree and some underbrush in the northeast corner of the property that presented an excellent staging area and ambush point for criminals. The tree and plant material have since been removed, opening this area up nicely.

Cottage #12 has an open area on the south end that has lattice attached, closing it in. I recommend removing the lattice to open this covered area up to natural surveillance. This is especially important, since there is a large storage area that opens from this covered area. I also recommend making sure that the storage area has a good lock and is kept secured (to prevent an attacker from staging here). This open area would also benefit from a dusk to dawn light.

None of the apartments or cottages on the site is currently occupied. Many of the units are unsecured, allowing easy entry and provided an attractive nuisance for area children and vagrants. The units also have refrigerators in them, which certainly creates a hazard for small children who may get trapped inside while playing. I strongly recommend securing the units for safety and liability reasons.

### **Perimeter Security**

Perimeter security is a major consideration for a site like this. It includes several CPTED concepts, including territorial reinforcement (defining the boundaries of the space and discouraging trespassers), natural access control (limiting and controlling the way people enter and exit the site), and natural surveillance (allowing persons on the site to see in and around it easily, as well as allowing pedestrians and traffic passing by to look into the site).

This site is surrounded on all sides by fencing that is generally in good condition. The back (south side) of the site has a wooden stockade fence with a smaller section of chain link fence. This fencing application is fine for separating the apartments from the adjoining private residences. The west side of the property is bordered by a building and chain link fence. The east side of the property also has a wooden stockade fence. Because there is a private residence on the other side, this is also a good application. The front of the property (north side) has a new vinyl fence (with a small section of chain link on the west end, next to the main entrance). Although this fence is attractive and in good condition, it is not the best application for this side of the property. This fencing actually shields much of the property from 17<sup>th</sup> Street West, eliminating any opportunity for natural surveillance into and out of the property. In the future if this fencing is to be replaced, I recommend using a style and material that will allow people to see into and out of the property.

### **Video Surveillance**

I encourage the owner to consider installing video surveillance on the property. Coverage should include the entrance to the property and parking areas, as well as the entrances to the apartments and the rear areas. I suggest a web-based security system. This will allow remote monitoring of the site, as well as eliminating security and data storage concerns for the video surveillance footage. All camera installations should also be hardened to prevent tampering and vandalism. Depending on the cameras used, there are some excellent, low-cost solutions available to protect video cameras.

An important point to remember is that video surveillance is, for the most part, reactive rather than preventative. More often than not, the video does not prevent a crime but is a witness to it. Video does greatly assist law enforcement in solving crime, however. Care should also be taken before advertising any video system on the site. Advertising that a site has video surveillance may create an increased and false sense of security for the users, as they may think that their activities are being actively monitored in real time.

### **Lighting**

Lighting is probably one of the most important and effective security features at any site. It illuminates dark areas and hazards and gives residents a sense of security. It also discourages criminal activity by giving trespassers and criminals the impression and very real possibility that they will be seen. Lighting is an integral part of the CPTED concepts of natural surveillance and territorial reinforcement.

The lighting at the apartments is currently limited. I visited the site, after dark, and noted that there is only one outside light (a sodium vapor light on the east end of the parking lot). This light only illuminates the immediate area. Additional lighting is needed to completely illuminate the parking areas and the fronts of the apartments and cottages. I recommend metal halide or similar lighting that provides clean, bright illumination. This lighting could be activated by a photo cell for energy efficiency.

I also recommend lighting for the back of the units and in between the cottages. A good solution would be motion-activated security lights mounted on the back corners of the apartments and cottages. The sensors on these lights can be adjusted to minimize false activations by animals. They would light up when persons enter the motion field, illuminating the trespasser and alerting the residents.

### **Resident Safety**

Over the years I have noticed that some of the practices of the residents at the apartments may actually encourage their victimization. One of the greatest safety issues that I have seen is the resident practice of leaving the doors to their apartments open (day and night). Residents are also known to leave valuables in plain sight in their vehicles, or leave their vehicles unlocked. Area criminals know that there are often easy targets at this site and watch it for opportunities. I would welcome any opportunity to do some crime prevention education with the residents that live here.

Thank you for the opportunity to conduct this security/ CPTED survey of your property. Please do not hesitate to contact me with any questions or additional security concerns that you may have.

## **APPENDIX C**

### **DRAFT CITY OF PALMETTO CITY COMMISSION MEETING June 18, 2012, 7:00 PM**

Shirley Groover Bryant, Mayor  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Tamara Cornwell, Commissioner-at-Large 2  
Charles Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Alan Zirkelbach, Commissioner-at-Large 1

#### **Staff Present**

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Lorraine Lyn, Planning and Zoning Supervisor  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Amber Foley, Assistant City Clerk

#### **4. PUBLIC HEARING: CONDITIONAL USE PERMIT 12-01**

City Planner Lorraine Lyn explained how North River Properties Management has complied with the requirements of the CPTED review. Their proposal is for the 13 units that are on-site. Since 2008 they have made several improvements to the interior of the buildings and the water and sewer lines. This site has been used as farm worker housing; they are making a good faith effort to comply with the City's ordinance. It meets the requirements of the conditional use standards and planning and zoning staff recommend approval of the permit.

Discussion ensued regarding the Planning and Zoning Board meeting from May 17, 2012. On-site care taker and contact information to be visibly posted are two requirements that still need to be met.

Commissioner Varnadore asked if there has been research done on the business tax receipts for this type of housing. Discussion ensued regarding the modification for business tax receipts to include a farm worker housing class.

Commissioner Cornwell referenced section 3.C. of the ordinance and asked that it makes an on-site caretaker be a requirement when the facility is occupied and that contact information should always be posted.

Attorney Barnebey noted that this property is currently illegal because they are not permitted, but they will be brought into conformity with the conditional use approval. Commission has authority to approve this

permit before Ordinance 2012-07 is adopted.

Commissioner Smith expressed his concerns about the property and how nuisances will be addressed. Mayor Bryant noted that farm worker housing ordinance that is coming forward, will include the addition of the lights and landscaping so that the property can be easily monitored. She also explained that it is also highly recommended that the property be equipped with security cameras, but that this cannot be made a requirement. Ms. Lyn also noted the property is completely fenced in now.

Commissioner Williams discussed appendix C, the Florida Department of Health (FDOH) Migrant Farm-Workers and Residential Migrant Housing Basic Guidelines. He had concerns with the compliance of sewage and liquid waste disposal. Ms. Lyn noted that appendix C is just for information; this was not a part of the conditional use permit. Further discussion ensued regarding these guidelines and compliance.

Discussion took place regarding compliance and the various recommendations made. Some issues are still outstanding and have yet to be complied with. Attorney Barnebey would like further clarification on the conditions that Code Enforcement will enforce on the property. Chief Wells noted that CPTED is nothing but recommendations and it's up to the Commission on what they will mandate. Discussion continued regarding more concrete recommendations.

Commissioner Cornwell expressed concerns on the enforcement of the codes and what will happen if and when they are not met by the property. Mr. Tusing discussed the proper channels would be to go through code enforcement and apply proper fines and that they could be shut down by the City through a code enforcement hearing.

Attorney Barnebey explained that Commission needs to make sure to identify particular uses that are approved under this permit and that the conditions we are adopting show what we expect and what the applicant expects from the City. Attorney Barnebey recommended to Commission that this public hearing be continued.

Discussion ensued in regards to inspections of the property.

Mayor Bryant opened the public hearing.

Mayor Bryant closed the public hearing after no public comment.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried 5-0 to continue the public hearing for Conditional Use Permit CU 2012-01 to July 16, 2012.

Commissioner Varnadore departed the meeting at 8:00 p.m.

## APPENDIX D

### Minutes of the Planning and Zoning Board's May 17, 2012 Meeting

Conditional Use Permit Application (CU 12-01) by North River Properties Management, Inc./C&D Fruit & Vegetable Co. Inc., located at 713 17<sup>th</sup> 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 17<sup>th</sup> St W.

City Planner Lorraine Lyn reported that this application for a Conditional use (2012-01) is for farm working housing located at 713 17<sup>th</sup> 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, 17<sup>th</sup> 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. Varndadore

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 stalled,

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.**