

**TAB 6**



# City of Palmetto Agenda Item

**Meeting Date**

11/5/12

**Presenter:** Lorraine Lyn **Department:** Planning

**Title:**

**Conditional Use Permit CU 2012-05 for Farm Worker Housing, Peerless Manatee Inc.**  
401, 405, 409 & 413 6th Street W  
**Continued from October 1, 2012**

CU2012-05 is for 4 duplexes to be used as farm worker housing in response to the adoption of Ordinance 2012-07 on August 6, 2012 allowing existing farm worker housing units that are not zoned RM-5 or RM-6 to apply for a conditional use by October 31, 2012 in order to become legal nonconforming uses. The zoning code requires a conditional use in the Residential Multi-Family (RM-6) or Residential Duplex (RM-5) zoning districts for farm worker housing and the subject properties are zoned Commercial General (CG). The se four duplexes are located north of Jet MHP at the SW corner of 4th Ave & 6th St and are permitted by the DOH.

Ordinance 2012-07 establishes standards for conditional use approval for farm worker housing and requires both a CPTED review by the Police Department and a site plan/survey of the site. It also extends the timeframe that a nonconforming use can cease operations (from 1/2 year to 2 years), before having to conform to the district regulations.

The Planning & Zoning Board held its hearing on October 18, 2012 and recommends approval of the proposed conditional use permit subject to compliance with the following CPTED recommendations:

1. The property owner shall insure that the wooden fence in the rear is in good repair.
2. The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) and window screens that fit securely and are not torn.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall replace the doors to the enclosures (with water heater) at 411 and 413 6th St. W; maintain enclosure doors in good repair and insure that they are secure with good locking hardware.
5. The property owner shall insure that existing lights at the front and rear doors of the units are in good working condition.
6. Install and maintain dusk to dawn security lighting in the fenced area at the rear of the units to include either free standing pole lights or wall mounted security lights.
7. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
8. The property owner shall secure existing electrical boxes on the exterior of the units or remove them.
9. The property owner shall install unit numbers along 6th Street W per City ordinance.
10. Installation of video surveillance is strongly encouraged for parking areas, front and rear of the buildings, and open area in the back for the protection of the residents and to aid the protective efforts of the Police Department.
11. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
12. The Owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>		<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>		<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Future Land Use Plan</b>	
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**Potential Motion/ Direction Requested:** I move to approve a Conditional Use Permit for farm worker housing located at 401, 405, 409 & 413 6th Street W petitioned by Peerless Manatee, Inc.

**Staff Contact:** Lorraine Lyn City Planner 723-4580 Ext. 2135

**Attachments:** Staff report

**Staff Report**  
**Conditional Use Permit for Farm Worker Housing**  
**CU-2012-05: 401, 405, 409 & 413 6th Street W**

**BACKGROUND**

Peerless Manatee Inc. is the applicant of this Conditional Use (CU) permit for farm worker housing located at 401, 405, 409 & 413 6th Street W. This CU application is in response to the adoption of Ordinance 2012-07 on August 6, 2012 which allows existing farm worker housing units that are not zoned RM-5 or RM-6 to apply for a conditional use by October 31, 2012 in order to become legal nonconforming uses. The zoning code requires a conditional use in the Residential Multi-Family (RM-6) or Residential Duplex (RM-5) zoning districts for farm worker housing and the subject property is zoned General Commercial (CG). The four duplexes included in this application are located on the west side of 4<sup>th</sup> Avenue, south of 6<sup>th</sup> Street and are all permitted by the Department of Health. The subject properties were listed in Section 2D of Ordinance 2012-07 and made application to the City on August 17, 2012, prior to the October 31, 2012 deadline.

Ordinance 2012-07 resulted from the City desire to provide appropriate standards for farm worker housing and boarding/rooming houses as conditional uses within certain zoning districts, in order to provide for the safety and protection of the residents of such facilities. To this end, it establishes standards for conditional use approval for farm worker housing and requires both a CPTED review by the Police Department and a site plan/survey of the site. It also extends the timeframe that a nonconforming use can cease operations (from 1/2 year to 2 years), before having to conform to the district regulations.

**PROPERTY OWNER**

Peerless Manatee, Inc.

**ADDRESS/PARCEL ID/EXISTING LAND USE**

1. 401 & 403 6th Street W/2798300006/duplex
2. 405 & 407 6th Street W/2798300055/duplex
3. 409 & 411 6th Street W/2798300105/duplex
4. 413 & 415 6th Street W/2798300004/duplex

**PLAN CATEGORY/ZONING DISTRICT**

Subject properties/GCOM/CG

**ADDRESS/NUMBER OF UNITS/SIZE OF PROPERTY/DENSITY**

1. 401 & 403 6th Street W/2/0.1607 acres/12.4 du/ac.
2. 405 & 407 6th Street W/2/0.1607 acres/12.4 du/ac.
3. 409 & 411 6th Street W/2/0.1607 acres/12.4 du/ac.
4. 413 & 415 6th Street W/2/0.1607 acres/12.4 du/ac.

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

1. North: GCOM/CG/vacant land
2. South: RES-14/RM-6/Jet Mobile Home Park

3. East: GCOM/CG/office
4. West: GCOM/RM-6/vacant land

## **SITE REVIEW**

### **History**

The subject properties consist of 4 lots with a duplex on each lot. Duplexes are not permitted uses in the CG zoning district. According to the Property Appraiser's information, these duplex buildings were constructed between 1971 and 1973 but the City's Building Department records for this property start in 1998 with a reroof permit for 409 6<sup>th</sup> Street W; mechanical and electrical permits for A/C's at all units in 1993 and a wood fence in 1995. There are no building permits available for structures on these properties.

### **1. Historical Zoning**

According to the historic zoning maps in the Planning Department, the subject properties were zoned C-2 prior to zoning conformance in 1990 when the subject properties were rezoned to CG the new zoning district consistent with the Future Land Use Plan. According to the October 19, 1981 Zoning Code, C-2 permitted duplexes.

## **PLAN COMPLIANCE**

Per Ordinance 2012-07, the City's Zoning Code's definition of *Farm Worker Housing* is as follows:

*Shall include "migrant labor camps" and "residential migrant housing", as those terms are defined in Section 381.008, Florida Statutes, as may be amended. Notwithstanding the foregoing, the term "farm worker housing" shall not include a single-family detached dwelling unit which is not under the same ownership, management or control as any adjacent property which is used for farm worker housing."*

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 is for farm worker housing permitted in accordance with Ordinance 2012-07 which allows existing farm worker housing to become legal nonconforming upon approval.**

## **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 farm worker housing complies with Ordinance 2012-07 to the extent that the use (farm worker housing) will be considered legal nonconforming upon adoption of this CU permit. The proposed density of 12.4 du/ac exceeds the 10 du/ac maximum density of the GCOM category. Based on the aforementioned Historical Zoning, the structures appear to be legal non-conforming.**

**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 properties. The subject properties meet the required parking spaces.**

## **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 properties are located on a local residential street (6<sup>th</sup> St. W) one block east of the railroad tracks adjacent to 5<sup>th</sup> Ave. W in an area of mixed uses. Because the existing residential uses have been operating as farm worker housing on these sites for several years, their effect on traffic, lighting, appearance, or surrounding property values are not likely to change except as required by the CPTED report.**

## **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 developments were built between 1971 and 1973. These conditional use applications to recognize the existing farm worker housing use are not expected to have a substantial adverse impact on the natural environment. This site is located in flood zone category C.**

## **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 in an established part**

of the City for a number of years.

#### **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.

**These properties are served with City water and sewer.**

#### **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.

**These existing residential uses have been operating as farm worker housing on these sites for several years. Their effect on vehicular or pedestrian traffic conditions are not likely to change.**

**The site plan submitted shows the required parking spaces**

#### **8. Screening and buffering**

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

**The subject property was reviewed for CPTED by the Police Department. The subject property is located in an area of mixed uses with residential uses on the south and west sides, office to the east and vacant commercial to the north.**

#### **9. 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.

**The subject properties were reviewed for CPTED by the Police Department. Signs are not proposed for the subject property.**

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed conditional use permit subject to the following conditions resulting from the CPTED review conducted by Lt. Scott Tyler on September 17, 2012:

1. The property owner shall insure that the wooden fence in the rear is in good repair.
2. The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) and window screens that fit securely and are not torn.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall replace the doors to the enclosures (with water heater) at 411 and 413 6<sup>th</sup> St. W; maintain enclosure doors in good repair and insure that they are secure with good locking hardware.
5. The property owner shall insure that existing lights at the front and rear doors of the units are in good working condition.
6. Install and maintain dusk to dawn security lighting in the fenced area at the rear of the units to include either free standing pole lights or wall mounted security lights.
7. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
8. The property owner shall secure existing electrical boxes on the exterior of the units or remove them.

9. The property owner shall install unit numbers along 6<sup>th</sup> Street W per City ordinance.
10. Installation of video surveillance is strongly encouraged for parking areas, front and rear of the buildings, and open area in the back for the protection of the residents and to aid the protective efforts of the Police Department.
11. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
12. The Owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its public hearing on October 18, 2012, the Planning and Zoning Board recommended **APPROVAL WITH Staff's CONDITIONS.**

**CITY COMMISSION**

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

**AERIAL PHOTO**  
**Conditional Use Permits for Farm Worker Housing**  
**CU-2012-05: 401-413 6th Street W**



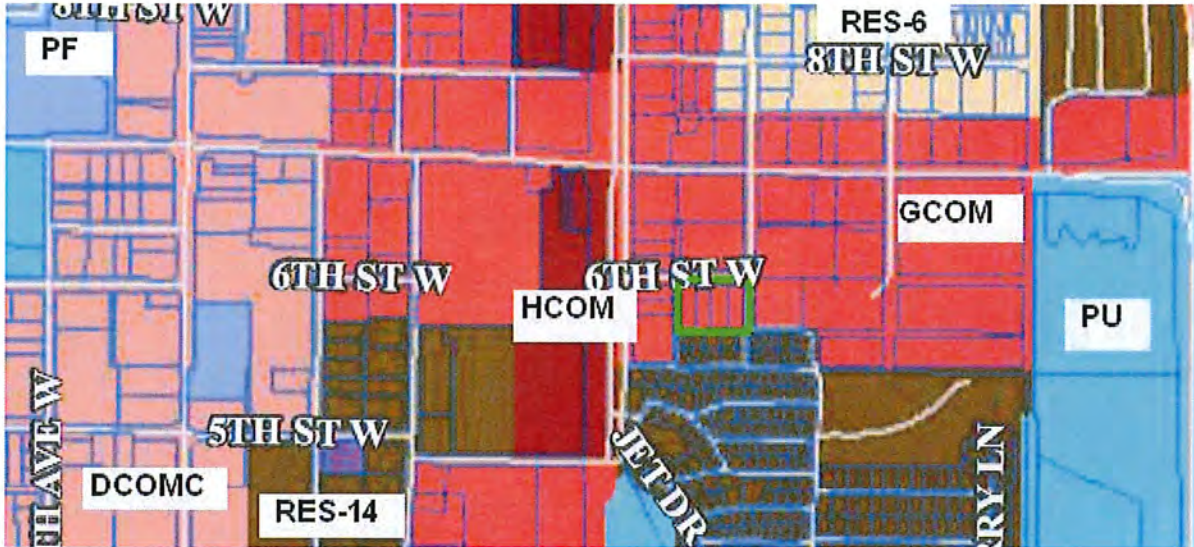


**STREET LEVEL AERIAL**  
**Conditional Use Permits for Farm Worker Housing**  
**CU-2012-05: 401-413 6th Street W**

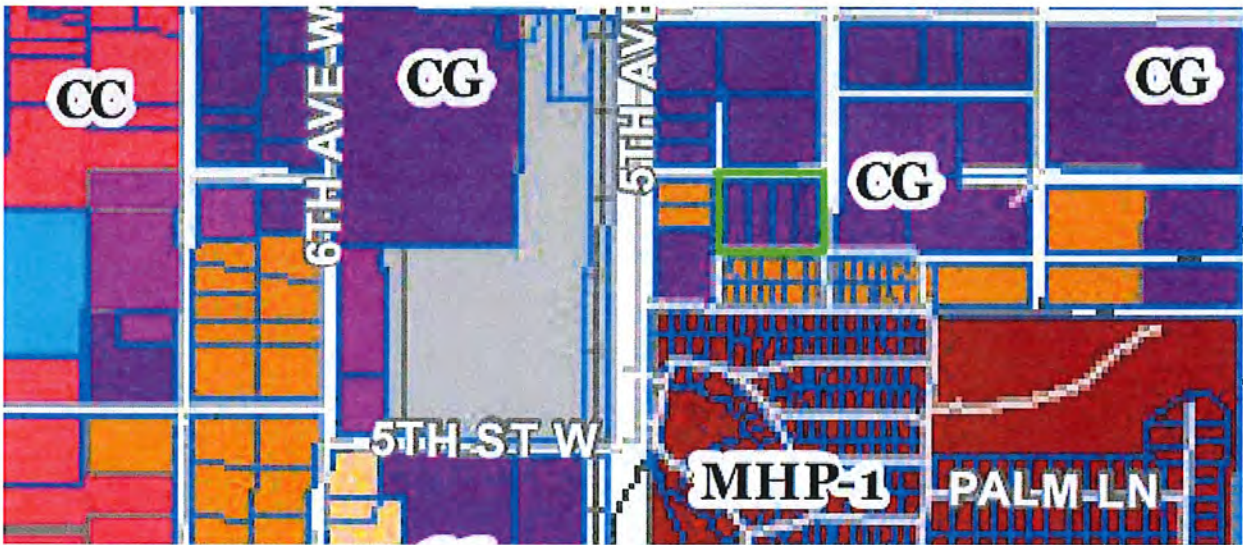




**FUTURE LAND USE PLAN MAP**  
Conditional Use Permits for Farm Worker Housing  
CU-2012-05: 401-413 6th Street W



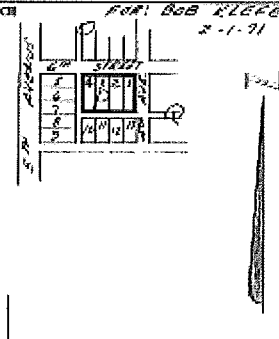
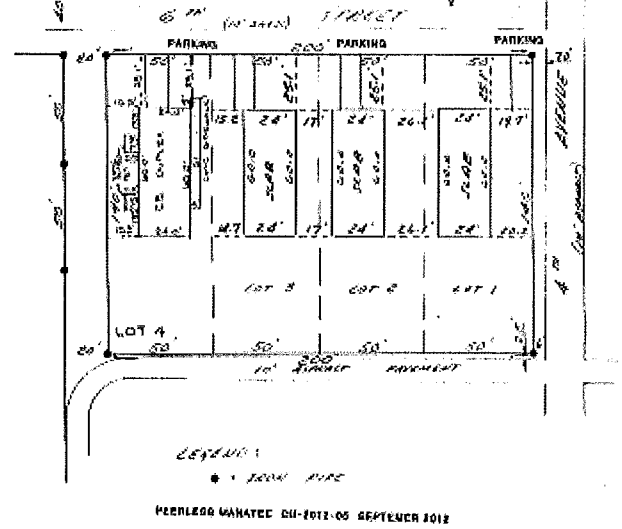
**ZONING MAP**  
Conditional Use Permits for Farm Worker Housing  
CU-2012-05: 401-413 6th Street W



# SURVEY/SITE PLAN

## Conditional Use Permits for Farm Worker Housing

### CU-2012-05: 401-413 6th Street W

LEO MILLS & ASSOCIATES COUNTY SURVEYOR 1500 W. PALM BEACH BLVD. PALM BEACH, FLORIDA 33480	MEMBER Florida Society of Professional Land Surveyors LICENSE NO. 1512
LOTS <u>1, 2, 3, 4</u> BLOCK <u>P</u> Subdivision <u>CAST PALMWOOD</u> According to the Plat thereof recorded in Plat Book No. <u>1</u> Page <u>181</u> Public Records of <u>MANATEE</u> County, Florida Date <u>DECEMBER 20, 1987</u> BY <u>LEO MILLS &amp; ASSOCIATES</u>	SURVEYOR'S CERTIFICATE: I hereby certify that the attached plat of the land described above is true and correct to the best of my knowledge and belief according to a recent survey of said land made under my direction.  Witness my hand and seal this <u>20th</u> day of <u>December</u> , 2012. By: <u>Leo Mills</u> Registered State of Florida Professional Land Surveyor No. <u>1512</u>
LOCATION SKETCH FOR: <u>BOB KLEPCKER</u> <u>2-1-71</u> 	RECHECK CERTIFICATE: The buildings shown on attached survey plat checked on <u>2-1-71</u> and found correct as shown. By: <u>George R. [Signature]</u> No. <u>1512</u>
BUILDING WANTED ON LOT 4 FOR: <u>BOB KLEPCKER</u> 3-20-78 <u>George R. [Signature]</u>	
	
PEERLESS MANATEE INC. 2012-05 SEPTEMBER 2012 SURVEY PLAT SCALE: <u>1" = 40'</u> File Index No. <u>49</u>	