

TAB 8



# City of Palmetto Agenda Item

Meeting Date

11/19/2012

Presenter: **Lorraine Lyn**

Department: **Planning**

**Title:**

**Conditional Use Permit CU 2012-012 for Farm Worker Housing, Pacific Tomato Growers, Ltd. 1000-1042 & 1001-1031 1st Ave. Ct. W 38 duplexes at the NW corner of US301 and US41**

CU2012-12 is for 38 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 property is zoned Commercial General (CG). These units are located at the NW corner of US 41 and US 301 and are permitted by the Department of Health.

Ordinance 2012-12 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 P&Z Board held its hearing on November 8, 2012 and recommends approval of CU2012-12 subject to the following conditions:

1. The property owner shall maintain doors and windows in good working order with all parts including single cylinder deadbolt locks and pry guards on all doors;
2. Maintain wide-angle peep hole viewers in all doors.
3. Maintain chain link fencing on the north, south and east sides of the property.
4. Landscaping on the south side of the property shall be maintained so as not to obscure visibility from 10th Street W.
5. The property owner shall insure that lighting on poles on the south side of 1st Avenue Court W is maintained in good working condition to create good visibility.
6. The property owner shall insure that lighting on the north side of 1st Avenue Court W is maintained in good working condition to create good visibility.
7. Maintain simple, energy efficient pole mounted lanterns that work on photocells for the areas between buildings.
8. Maintain motion activated security lights on the back corners of each building.
9. Maintenance 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.
10. Provided parking areas are depicted on the submitted site plan including 58 spaces with bumper stops, general parking locations and bus parking for a company bus.

<b>Budgeted Amount:</b>	<input type="text" value="\$0"/>	<b>Budget Page No(s):</b>	<input type="text"/>	<b>Available Amount:</b>	<input type="text"/>	<b>Expenditure Amount:</b>	<input type="text"/>
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>	<input type="text"/>	<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>	<input type="text"/>
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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 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>	<input type="text"/>
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**Potential Motion/ Direction Requested:**

Based upon the staff report and the evidence presented and finding the request to be consistant with the Palmetto Comprehensive Plan and Code of Ordinances, I move to approve CU2012-12, subject to the conditions set forth above as recommended by the Planning & Zoning Board with the Waiver of residential parking requirements to conform with the site plan.

**Staff Contact:**

Lorraine Lyn	City Planner	723-4580 x2135
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**Attachments:**

Staff report
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**Staff Report**  
**Conditional Use Permit for Farm Worker Housing**  
**CU-2012-12: 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. W**

**BACKGROUND**

Pacific Tomato Growers, Ltd. is the applicant of a Conditional Use (CU) permit for farm worker housing located at 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. 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 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 subject property is located at the northwest corner of US301/10<sup>th</sup> Street and US41 and contains 38 duplexes which are permitted by the Department of Health. The subject property was listed in Section 2D of Ordinance 2012-07 and application to the City was made on September 14, 2012, prior to the October 31, 2012 deadline.

Ordinance 2012-07 resulted from the City's desire to provide appropriate standards for farm worker housing and boarding/rooming houses as conditional uses within certain zoning districts 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 requiring 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**

Pacific Tomato Growers, Ltd.

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

1. 1000-1042 1<sup>st</sup> Ave. Ct. W/2591710509/22 duplexes of farm worker housing
2. 1001-1031 1<sup>st</sup> Ave. Ct. W/2591710005/16 duplexes of farm worker housing

**PLAN CATEGORY/ZONING DISTRICT**

1. 1000-1042 1<sup>st</sup> Ave. Ct. W/GCOM/CG
2. 1001-1031 1<sup>st</sup> Ave. Ct. W/GCOM/CG

**NUMBER OF UNITS/PROPERTY SIZE/DENSITIES**

1. 1000-1042 1<sup>st</sup> Ave. Ct. W/44/2.93/15 du/ac.
2. 1001-1031 1<sup>st</sup> Ave. Ct. W/32/2.99/10.7 du/ac.
3. Overall density: 76/5.92 = 16.2 du/ac.

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

1. North: County RES-6/RSF-6/railroad & single-family residential
2. South: PF & RES-14/P & MHP-1/ramp & Lone Oak Mobile Home Park
3. East: PF & GCOM/P & CG/overpass & Wal-Mart shopping center
4. West: GCOM/CG/vacant land

## SITE REVIEW

### History

The subject property consists of 2 parcels with a total of 76 units (38 duplexes), one of which functions as the Security/Administration Office. There are no building permits for the existing duplexes available in the Building Department. Duplexes are not permitted uses in the CG zoning district. During the 1990's and 2000's, there were several permits for reroofs, electrical and plumbing, a permit for fire damage repair in 2000 and one for a 6' chain link fence in 2008. In 2012, there were permits for night lighting for 9 units and the addition of 8 wash basins.

### 1. Historical Zoning

Overpass was zoned County M-1 when it was annexed into the City in 1963. According to the Property Appraiser's information, the existing duplex buildings were constructed in 1970. On May 18, 1987, this property was rezoned from County M-1 to City C-2 (Ordinance 317) as initiated by the Planning and Zoning Board. The historic zoning maps in the Planning Department indicate that the subject property was zoned C-2 prior to zoning conformance in 1989. Ordinance 387 adopted on November 20, 1989 rezoned the City to the new zoning code consistent with the Future Land Use Plan and the subject property was rezoned from C-2 to CG to conform to its GCOM Plan category.

### 2. Parking

A total of 58 parking spaces with bumper stops are provided on the site plan submitted. Additional parking spaces (without bumper stops) are provided in other areas labeled for general parking locations along the south side of 1<sup>st</sup> Avenue Ct. W and at the northeast corner of the site. Bus parking is also designated at the northeastern corner of the site. Together, these parking spaces as well as the provision of bus parking at the NE corner of the site are intended to meet parking for these farm worker housing units determined by staff to be one space per unit. Section 28-78 of the Zoning Code requires 2 off-street parking spaces per dwelling units.

## PLAN COMPLIANCE

Per Ordinance 2012-07, *Farm Worker Housing* in the City's Zoning Code's definition

*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.

**The Conditional Use proposal for farm worker housing is permitted in accordance with Ordinance 2012-07 (listed in Section 2D) which allows existing farm worker housing to become a legal nonconforming use upon approval in CG zoning. The subject property is designated GCOM on the Future Land Use Plan map.**

### **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 overall density of 16.2 du/ac exceeds the 10 du/ac maximum density of the GCOM category. Based on the aforementioned historical information, it appears that these structures will benefit from Ordinance 2012-07 in that they could become a legal non-conforming use upon adoption of a CU permit.**

**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. The proposed site plan meets the parking spaces required by staff.**

### **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.

**These farm worker housing units are located at the northwest corner of a major intersection (US301 and US41), between the railroad tracks and the southbound ramp off US41. 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.**

### **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 duplexes currently used for farm worker housing were built in 1970. Because the conditional use application is to recognize the existing residential use, it is 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.

**The 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.

**The existing residential units have been operating as farm worker housing on the subject property for several years. The single access to all units on 1<sup>st</sup> Ave Ct W is off 2<sup>nd</sup> Avenue W. The development's effect on vehicular or pedestrian traffic conditions is not likely to change with this application. In addition to the provision of parking spaces on site, this facility uses a company bus for transportation.**

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

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

**This duplex development is over 40 years old and is bordered by railroad tracks to the north, ramps and arterials to the east and south and vacant land to the west. The City's interest in buffering residential units from the noise and glare of vehicles on the ramp and along US 301 will have to be balanced with CPTED recommendations which values visibility into the development for safety reasons.**

#### **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.

**Signs are not proposed for the subject property. The applicant indicated that "dusk to dawn" lights have been added to the rear of the buildings adjacent to the railroad tracks and between the apartment buildings in compliance with CPTED recommendations.**

**WAIVER:**

Section 28-78 of the Code of Ordinances and Section 6.15 of the Zoning Code requires all residential units to be provided with two (2) off-street parking spaces. The site plan provides for 58 spaces with bumper stops and provision for bus parking.

**As noted above, this is a long-term existing use and there has not historically been a parking issue on the site, in large part, due to the provision of transportation by the employer to and from the job site and the proximity of the site to retail and services. As such, staff recommends the finding the request meets the requirements for the issuance of a waiver of the parking requirements for this site in accordance with the requirements of Section 15.4 of the Zoning Code.**

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed conditional use permit subject to the following conditions including those resulting from the CPTED review conducted by Lt. Scott Tyler on February 14, 2012:

1. The property owner shall maintain doors and windows in good working order with all parts including single cylinder deadbolt locks and pry guards on all doors.
2. Maintain wide-angle peep hole viewers in all doors.
3. Maintain chain link fencing on the north, south and east sides of the property.
4. Landscaping on the south side of the property shall be maintained so as not to obscure visibility from 10<sup>th</sup> Street W.
5. The property owner shall insure that lighting on poles on the south side of 1<sup>st</sup> Avenue Court W is maintained in good working condition to create good visibility.
6. The property owner shall insure that lighting on the north side of 1<sup>st</sup> Avenue Court W is maintained in good working condition to create good visibility.
7. Maintain simple, energy efficient pole mounted lanterns that work on photocells for the areas between buildings.
8. Maintain motion activated security lights on the back corners of each building.
9. Maintenance 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.
10. Provided parking areas are depicted on the submitted site plan including 58 spaces with bumper stops, general parking locations and bus parking for a company bus.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

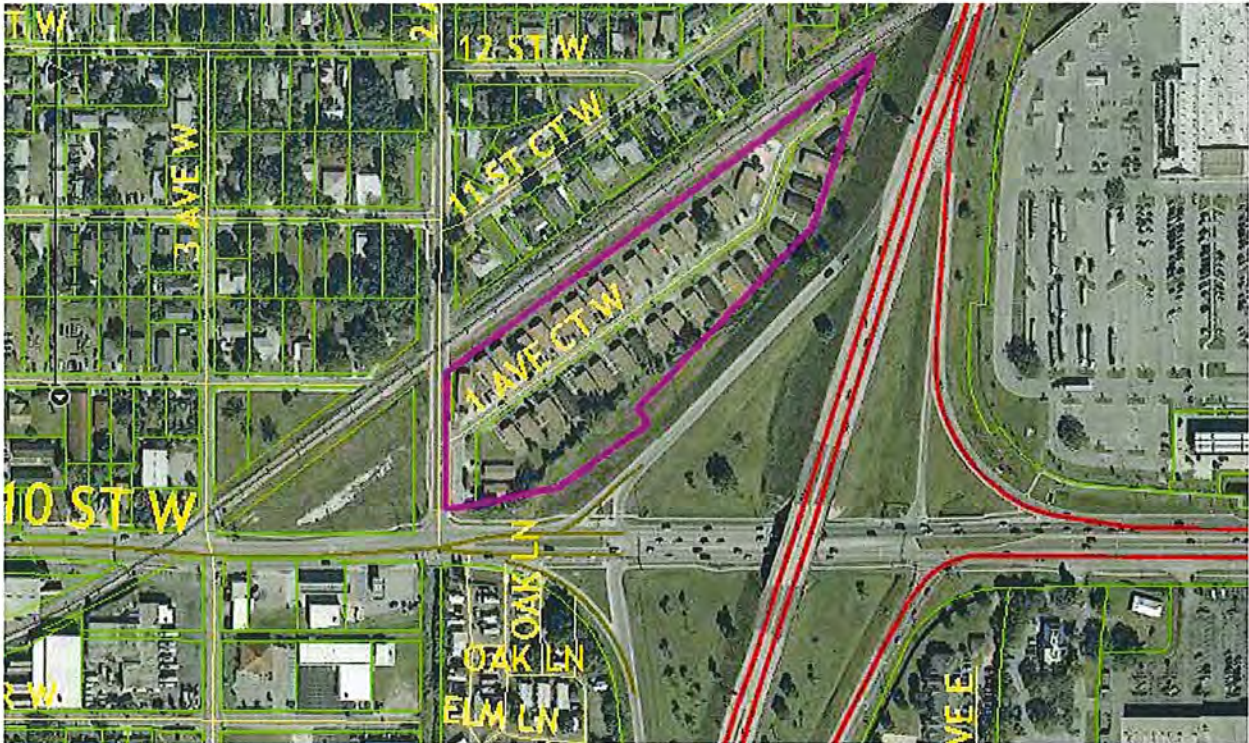
At its public hearing on November 8, 2012, the Planning and Zoning Board recommended **APPROVAL WITH staff's recommended CONDITIONS** of the proposed conditional use permit.

**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-2012-12: 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. W**

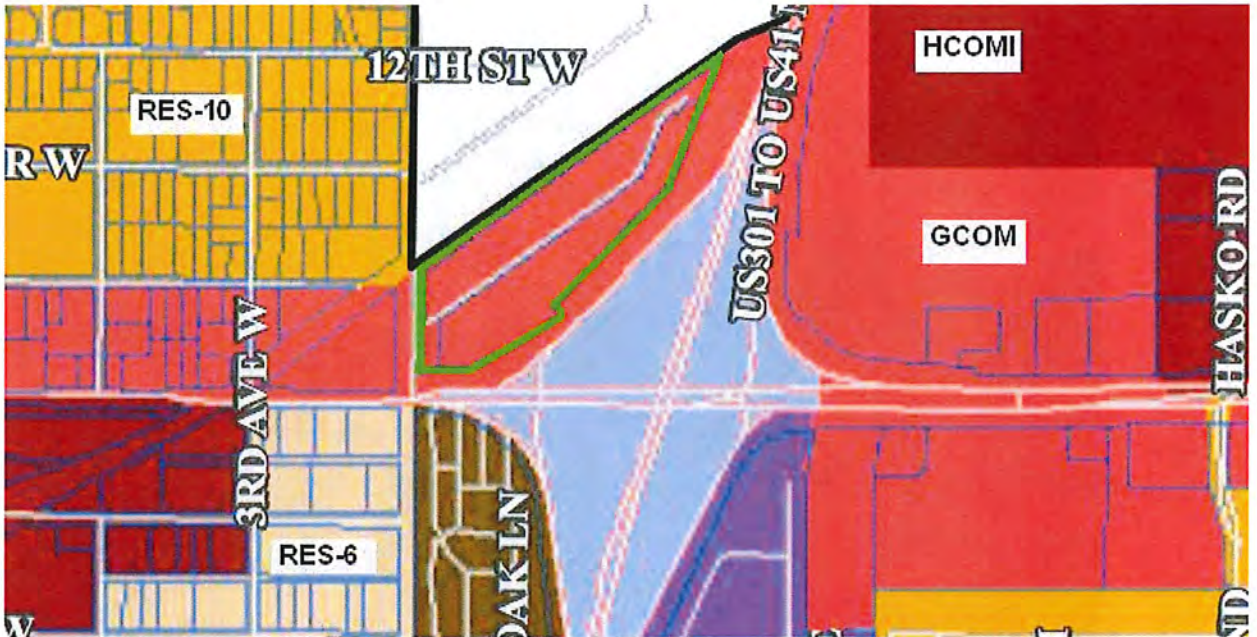


**STREET LEVEL AERIAL**  
**Conditional Use Permits for Farm Worker Housing**  
**CU-2012-12: 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. W**

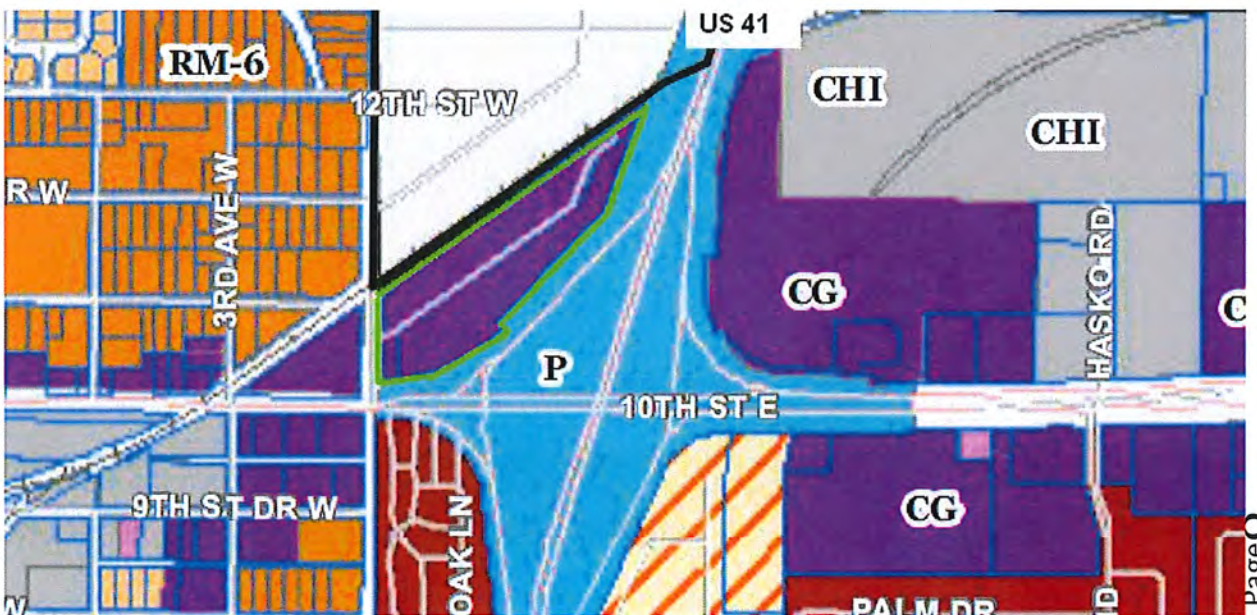




**FUTURE LAND USE PLAN MAP**  
**Conditional Use Permits for Farm Worker Housing**  
**CU-2012-12: 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. W**



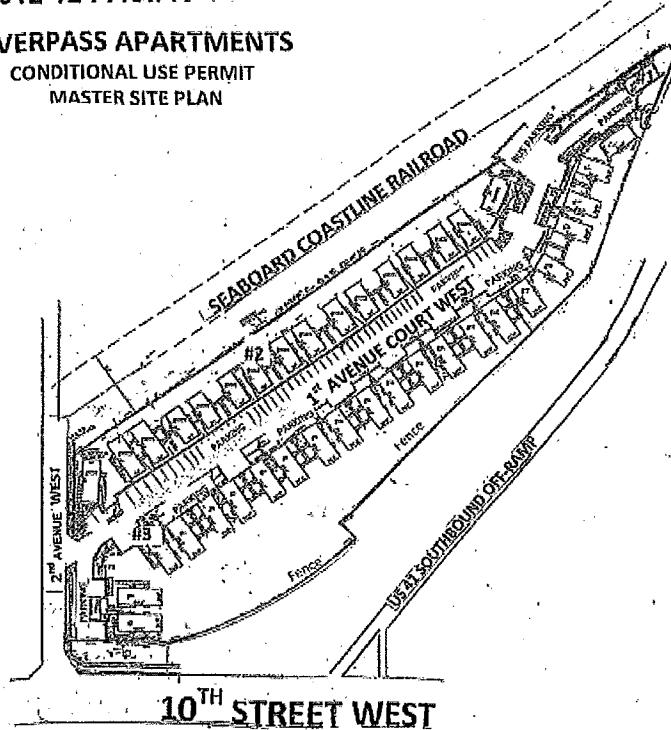
**ZONING MAP**  
**Conditional Use Permits for Farm Worker Housing**  
**CU-2012-12: 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. W**



**SURVEY/SITE PLAN**  
**Conditional Use Permits for Farm Worker Housing**  
**CU-2012-12: 1000-1042 & 1001-1031 1<sup>st</sup> Ave. Ct. W**

**CU-2012-12 PACIFIC TOMATO GROWERS NOV. 2012**

**OVERPASS APARTMENTS**  
**CONDITIONAL USE PERMIT**  
**MASTER SITE PLAN**



**SITE DATA**

**ZONING:** CG Commercial General

**USE:** 35 Two-family dwelling units (two and three bedroom units)  
 Each unit contains a full kitchen and full bathroom. One dwelling unit functions as the Security/Administration office

**ACCESSORY USES:**

- 1- Maintenance building
- 2- Outside Utility Area
- 3- Security/Administration Office
- 4- Outside Drying Area

South of 1<sup>st</sup> Avenue Court W. area is located between the dwelling units

North of 1<sup>st</sup> Avenue Court W. area is located north of the dwelling units and south of the Seaboard Coastline

**PARKING:** 58 parking spaces with bumper stops. Additional areas labeled as parking do not contain bumper stops and are noted for general parking locations. In addition to the parking spaces, additional transportation is provided for the residents via a company bus.

\* Bus parking may be temporarily relocated to facilitate waste management trucks during waste collection.

**NOTE:** When a building or structure on the site plan is damaged or deteriorated, as determined by the zoning administrator, to the extent of fifty (50) percent or more of the entire site's assessed taxable value, such building, if restored, shall thereafter be devoted to conforming uses. Perimeter fencing shall not be used for drying areas