

TAB 2

North River Properties / C&D

CU 12-01

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 14 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 8th 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/boarded houses in the RM-5 and RM-6 zoning districts. It will also change the term "farm labor camp" to "farm worker housing." Refer to Ordinance 2012-07 and see Appendix A regarding compliance of CU12-01 with Ordinance 2012-07.

ADDRESS/PARCEL ID/SIZE

713 17th Street West/262560008/1.37 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 at least since 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. (See attached guidelines). 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 17th 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 9th 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 SF 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 10du/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 17th 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 17th 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. 17th 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 Appendix 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 Appendix 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. The applicant is making a good faith effort to comply with City requirements 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 (Refer to guidelines in Appendix C).
- c) The applicant has made a good faith effort to comply with the Proposed Ordinance 2012-07 (Refer to Appendix A) such as undergoing CPTED review (Refer to Appendix B). In addition, the owners have made onsite improvements over the past 4 years including new plumbing, roofs and windows and some interior renovations.
- d) This CU is consistent with the City's Zoning Ordinance and meets the aforementioned conditional use standards,
- e) This CU is consistent with the Palmetto 2030 Comprehensive Plan which recognizes a need for such uses.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board shall recommend **APPROVAL**, **APPROVAL WITH CONDITION(S)** or **DENIAL** the proposed Conditional Use permit.

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.

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 17th 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.*

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.

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.

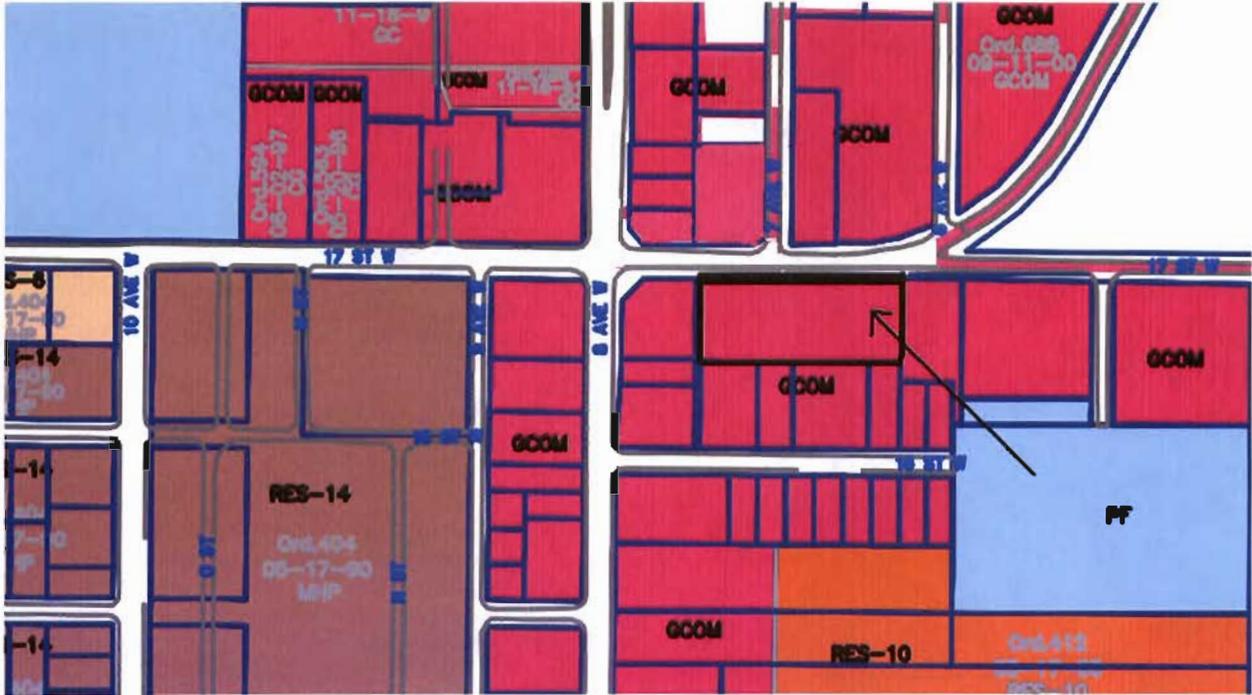
The applicant has complied with this provision.

4. The City's Code Enforcement Officer shall work with other agencies responsible for the regulation of Farm Worker Housing and Rooming/Boarding Houses, to coordinate inspections and ensure compliance with all applicable requirements.
The City's Code Enforcement Officer coordinates with the Department of Health on farm worker housing on an as needed basis.

5. The proximity 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 8th Avenue to serve the subject farm worker housing.

6. 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.

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



713 17th St W = General Commercial

ZONING MAP



713 17th St W = RM-6

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



APPENDIX B

Security Survey for the 713 17th Street West



May 2nd, 2012
Prepared by Lt. Scott Tyler
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The purpose of this survey is to provide basic CPTED and security recommendations for the apartments at 713 17th 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 17th 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 17th 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 17th 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

Migrant Farm-workers and Residential Migrant Housing Basic Guidelines Florida Department of Health

The following guidelines are a summary of department rules and regulations that apply to Migrant Labor Camps and Residential Migrant Housing. The intent of the guidelines is to provide basic information about these requirements. Chapter 64E-14, the governing rules, provides the minimum sanitation and health standards relating to construction, operation, and maintenance of migrant labor camps and residential migrant housing. Chapter 64E-14 is applicable to mobile homes, private residential rentals, rooming houses, barracks, and housing authority projects for farmworkers when these facilities constitute a migrant labor camp or residential migrant housing.

Standards

Before any person establishes, operates, or allows occupancy of a migrant labor camp or migrant residential housing, the operator/owner shall make an application for, and receive from the department, a valid permit for operation of the farmworker housing.

Application for Permits

All applications shall be filed with the department 30 days prior to the date of operation on [DOH form 4082 \(29.4 KB PDF document\)](#), Application for a Migrant Labor Camp Permit and [Instructions \(7 KB PDF document\)](#).

Permit

If the department finds after inspection that the proposed migrant labor camp or residential migrant housing operation conforms to the minimum standards required by the rules, and the applicant has paid the fee when required, the department shall issue a permit for operation for the migrant labor camp or residential migrant housing.

Inspections

Migrant labor camps and residential migrant housing shall be inspected AT LEAST twice quarterly during periods of occupancy except housing authorities which shall only be inspected twice annually.

Violations

When a major deficiency is reported to housing permittees or supervisors, a MAXIMUM 48 HOURS shall be given to make satisfactory corrections or provisions for correction that are satisfactory to the county health department. Continual or repeat violations of the same inspection items related to migrant farmworker housing are cause for the issuance of a fining citation.

Buildings and Structures

- (1) Buildings and structures of migrant labor camps and residential migrant housing shall be weather-tight and provide protection from the elements.
- (2) All private living quarters constructed, renovated, or used for sleeping purposes in migrant labor camps and residential migrant housing shall provide a minimum of 50 square feet for each occupant. In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided.

Water Supply

An approved or permitted supply of potable water under pressure with the requirements of Chapter 62-550, 62-555, and 62-560, FAC, or Chapter 64E-8, FAC, shall be available at all times during occupancy in each migrant labor camp and residential migrant housing for drinking, culinary, bathing, dishwashing, and laundry purposes.

Garbage and Refuse Disposal

Garbage shall be retained in watertight receptacles to protect contents from flies, insects, rodents and other animals.

Insect and Rodent Control

Measures shall be taken to prevent infestation by and harborage of animal or insect vectors, or pests.

Heating

All private living quarters, and bathrooms shall be equipped with heat producing devices to maintain a room temperature of 68 degrees Fahrenheit.

Lighting

At least one ceiling or wall type light fixture, and at least one separate double electric wall outlet shall be provided for private living quarters, shower and toilet rooms.

Sewage and Liquid Waste Disposal

Approved facilities shall be provided and maintained in all migrant labor camps and residential migrant housing for the satisfactory disposal and treatment of excreta and liquid waste.

Plumbing

All plumbing shall be in compliance with provisions of local plumbing codes.

Personal Hygiene Facilities

A toilet, hand washing, and bathing facility shall be located within 200 feet of each sleeping area of a migrant labor camp. Each individual family unit shall contain at least one flush toilet, bathing facility, and hand washing unit. Toilet rooms shall be located so that no individual is required to pass through a sleeping area, other than their own, in order to use toilet facilities. Adequate lighting shall be provided. Toilet rooms shall be ventilated to outside where there is no window.

Food Service Facilities

In each individual family unit, there shall be provided a range, a sink supplied with hot and cold water under pressure, and a refrigerator-freezer capable of maintaining temperatures at or below 41 degrees Fahrenheit for the refrigerator and at or below 0 degrees Fahrenheit for the freezer.

Beds and Bedding

Sleeping facilities shall be available to each migrant labor camp and residential migrant housing occupant. Every bed, cot, or bunk in migrant labor camps or residential migrant housing shall be elevated from the floor.

NOTE: The Department may issue citations to any person who (1) constructs, maintains, or operates a migrant labor camp or residential migrant housing that does not meet minimum health standards, (2) operates a facility without first obtaining a permit, or (3) operates a facility after revocation of the permit.

Source: Florida Department of Health website.