

TAB 3

PEERLESS MANATEE, INC. CU 2012-05

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 east side of 5th Avenue, south of 6th Street and are all permitted by the Department of Health.

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.

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

NUMBER OF UNITS/SIZE OF PROPERTIES/DENSITIES

Each parcel within subject property: 2/0.1607 acres/12.4 du/ac.

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

1. North: GCOM/CG/single-family residential
2. South: RES-14/RM-6/Jet Mobile Home Park
3. East: RES-14/CG/single-family residential
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 6th 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

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.

These Conditional Use proposals for farm worker housing are 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 (6th St. W) one block east of the railroad tracks adjacent to 5th Ave. W. 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.

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.

These CU applications are for existing farm worker housing which have 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.

8. Screening and buffering

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

The subject properties were reviewed for CPTED by the Police Department.

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 permits subject to the following conditions:

1. Provide one parking space per unit;
2. Compliance with CPTED recommendations;

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board shall recommend **APPROVAL, APPROVAL WITH CONDITIONS** or **DENIAL** of the proposed conditional use permit.

CITY COMMISSION

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

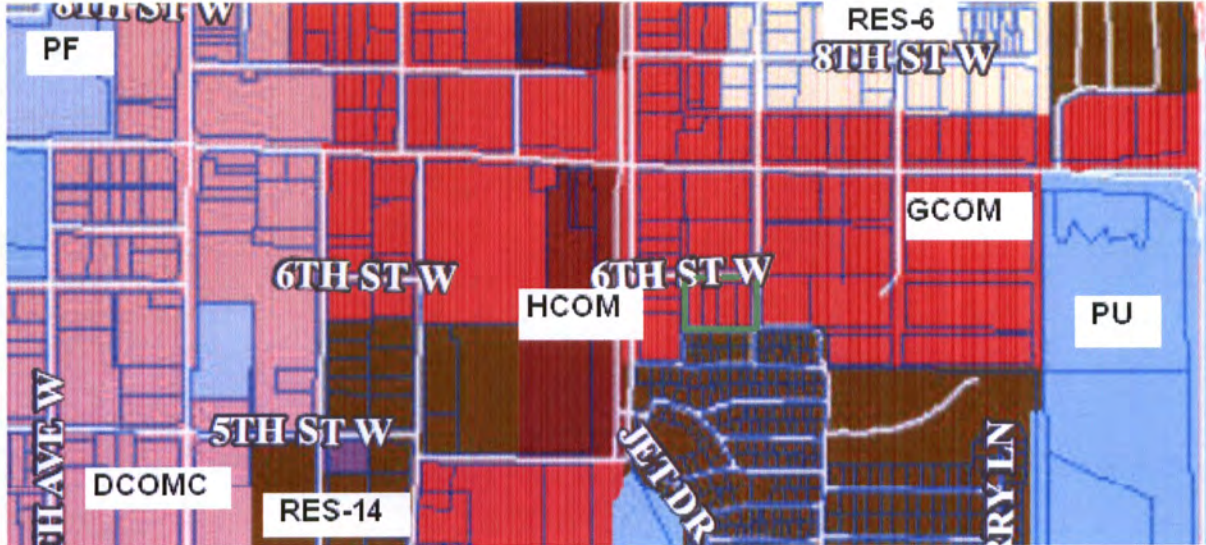
AERIAL PHOTO
Conditional Use Permits for Farm Worker Housing
CU-2012-05: 401-413 6th Street W



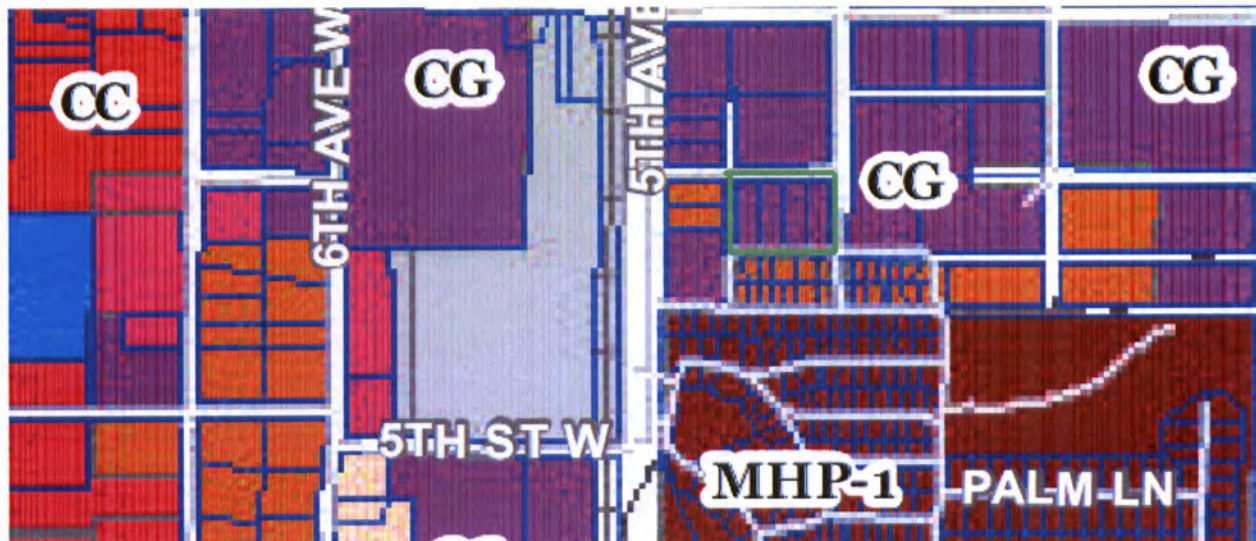
STREET LEVEL AERIAL
Conditional Use Permits for Farm Worker Housing
CU-2012-05: 401-413 6th Street W



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

LICENSE NO. 1201-1202 EXPIRES 12-31-12 REGISTERED PROFESSIONAL LAND SURVEYOR LEO MILLS & ASSOCIATES 4000 W. PALM BEACH BLVD., SUITE 200 PALM BEACH, FLORIDA 33480 PHONE: 561-833-1111 FAX: 561-833-1112	LEO MILLS & ASSOCIATES COUNTY SURVEYOR LAND PLANNING - SURVEYING ENGINEERING - ARCHITECTURE	LICENSE NO. 1201-1202 EXPIRES 12-31-12 REGISTERED PROFESSIONAL LAND SURVEYOR JAMES W. HARRIS, III 4000 W. PALM BEACH BLVD., SUITE 200 PALM BEACH, FLORIDA 33480 PHONE: 561-833-1111 FAX: 561-833-1112
LOTS <u>1, 2, 3, 4</u> BLOCK <u>F</u> Subdivision <u>EAST PALM BEACH</u> According to the Plat dated recorded in Plat Book No. <u>1</u> Page <u>161</u> Public Records of <u>MANATEE</u> County, Florida Date <u>DECEMBER 20, 1968</u> For <u>SMALL CREEK</u>		SURVEYOR'S CERTIFICATE:-- I hereby certify that the attached plan 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. Valid from: _____ By: <u>Leo Mills</u> Registered State of Florida Professional Land Surveyor No. <u>1201</u> RECHECK CERTIFICATE:-- The buildings shown on attached survey plan checked <u>2-1-12</u> and found correct as shown. By: <u>James W. Harris, III</u> No. <u>1512</u> BUILDING LOCATED ON LOT 4 FOR: <u>BOB KLEFFNER</u> D. 20 15 <u>James W. Harris, III</u>
LOCATION SKETCH <u>FOR: BOB KLEFFNER</u> <u>2-1-12</u> 		
PEERLESS MANATEE CU-2012-05 SEPTEMBER 2012 SURVEY PLAN SCALE: <u>1" = 40'</u> File Index No. <u>49</u>		