

TAB 4

PEERLESS MANATEE

CU-2012-07 CONTINUATION

Staff Report
Conditional Use Permit for Farm Worker Housing
CU-2012-07: 415 9th Street W & 804, 806 & 808 5th Avenue W

BACKGROUND

Old Florida Investment, Inc. is the applicant of this Conditional Use (CU) permit for farm worker housing located at 415 9th Street W & 804, 806 & 808 5th Avenue 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 properties are zoned Single Family Residential (RS-4) and Neighborhood Commercial (CN). The four duplexes included in this application are located on the east side of 5th Avenue, south of 9th Street and are all permitted by the Department of Health. The subject properties were listed in Section 2D of Ordinance 2012-07 and applied on August 17, 2012.

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. 415 9th Street W/2793600004/duplex
2. 808 5th Ave W/2793600004/duplex
3. 806 5th Ave W/2793700002/duplex
4. 804 5th Ave W/2793700002/duplex

PLAN CATEGORY/ZONING DISTRICT

1. 415 9th Street W/GCOM/RS-4
2. 804, 806 & 808 5th Ave W/GCOM/CN

NUMBER OF UNITS/SIZE OF PROPERTIES/DENSITIES

Each parcel within subject property: 4/0.2984 acres/13.4 du/ac.

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

1. North: HCOM/CHI/commercial-Taylor Fulton packing plant
2. South: GCOM/CG/ single-family residential
3. East: GCOM /RS-4/vacant land
4. West: HCOM/CHI/5th Ave, railroad, vacant commercial

SITE REVIEW

History

The subject properties consist of 2 lots with 2 duplexes on each lot. Duplexes are not permitted in either the RS-4 or the CN zoning district. However, multi-family is a Conditional Use in the CN district. According to the Property Appraiser's information, these duplex buildings were constructed between 1976 and 1981 but the City's Building Department has no records for these properties except for an electrical service change in 2007 for 415 9th Street W. There are no building permits available for structures on these properties.

Historical Zoning

According to the historic zoning maps in the Planning Department, Lot 5, Block I of Plat of East Palmetto was zoned R-5 (Single Residential) and Lots 6-8 of the subject property were zoned C-4 (Commercial Neighborhood Business) prior to zoning conformance. After zoning conformance and a correction in 1998 (Ord. 614), the subject properties were zoned RS-4 and CN respectively consistent with the Future Land Use Plan. According to the October 19, 1981 Zoning Code, C-4 permitted duplexes but R-5 did not suggesting that 415 9th Street W may benefit from Ordinance 2012-07.

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.

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 13.4 du/ac exceeds the 10 du/ac maximum density of the GCOM category. Based on the aforementioned Historical Zoning, all but one 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. Parking shown on the attached Survey/Site Plan meets 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 the east side 5th Avenue W and the railroad tracks, just south of the packing plant. 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 1976 and 1981. 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.

Existing residential units 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. In addition to the single parking space provided by the existing concrete driveway at 415 9th Street W, a second parking space is required with a wheel stop.

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 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 maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall insure that existing lights at the front and rear doors of the units are in good working condition.
5. 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.
6. Provide and maintain motion activated security lights between buildings to illuminate

- high traffic areas from dusk to dawn.
7. The property owner shall secure existing electrical boxes on the exterior of the units or remove them.
 8. The property owner shall install unit numbers along the street (9th Street W & 5th Avenue W) per Sec. 25-39 of the City Code.
 9. 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.
 10. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.

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.

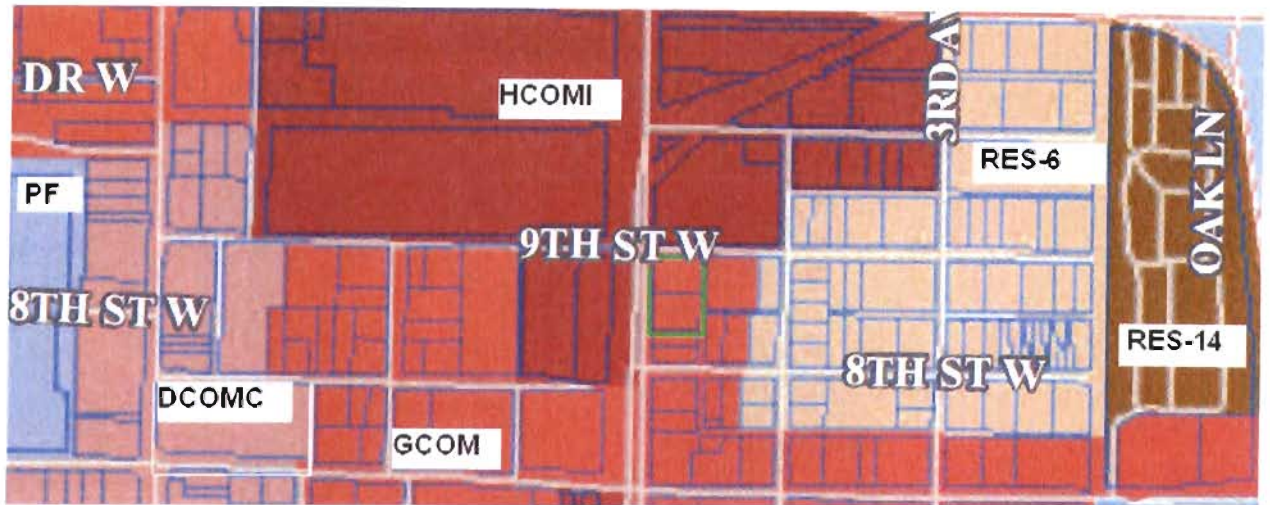
AERIAL PHOTO
Conditional Use Permits for Farm Worker Housing
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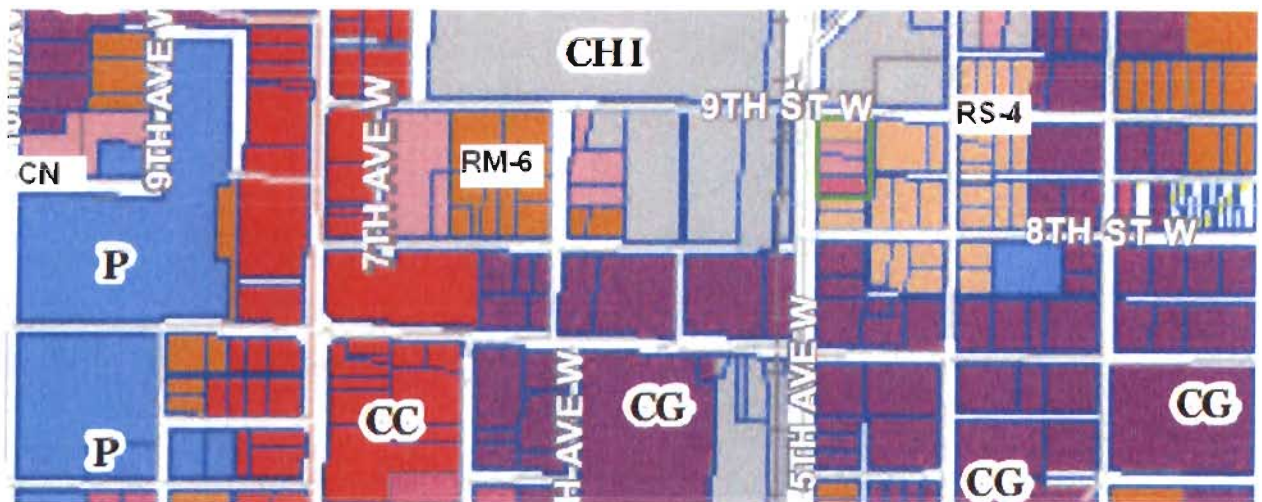
STREET LEVEL AERIAL
Conditional Use Permits for Farm Worker Housing
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FUTURE LAND USE PLAN MAP
 Conditional Use Permits for Farm Worker Housing
 CU-2012-07: 415 9th Street W & 804, 806 & 808 5th Avenue W



ZONING MAP
 Conditional Use Permits for Farm Worker Housing
 CU-2012-07: 415 9th Street W & 804, 806 & 808 5th Avenue W

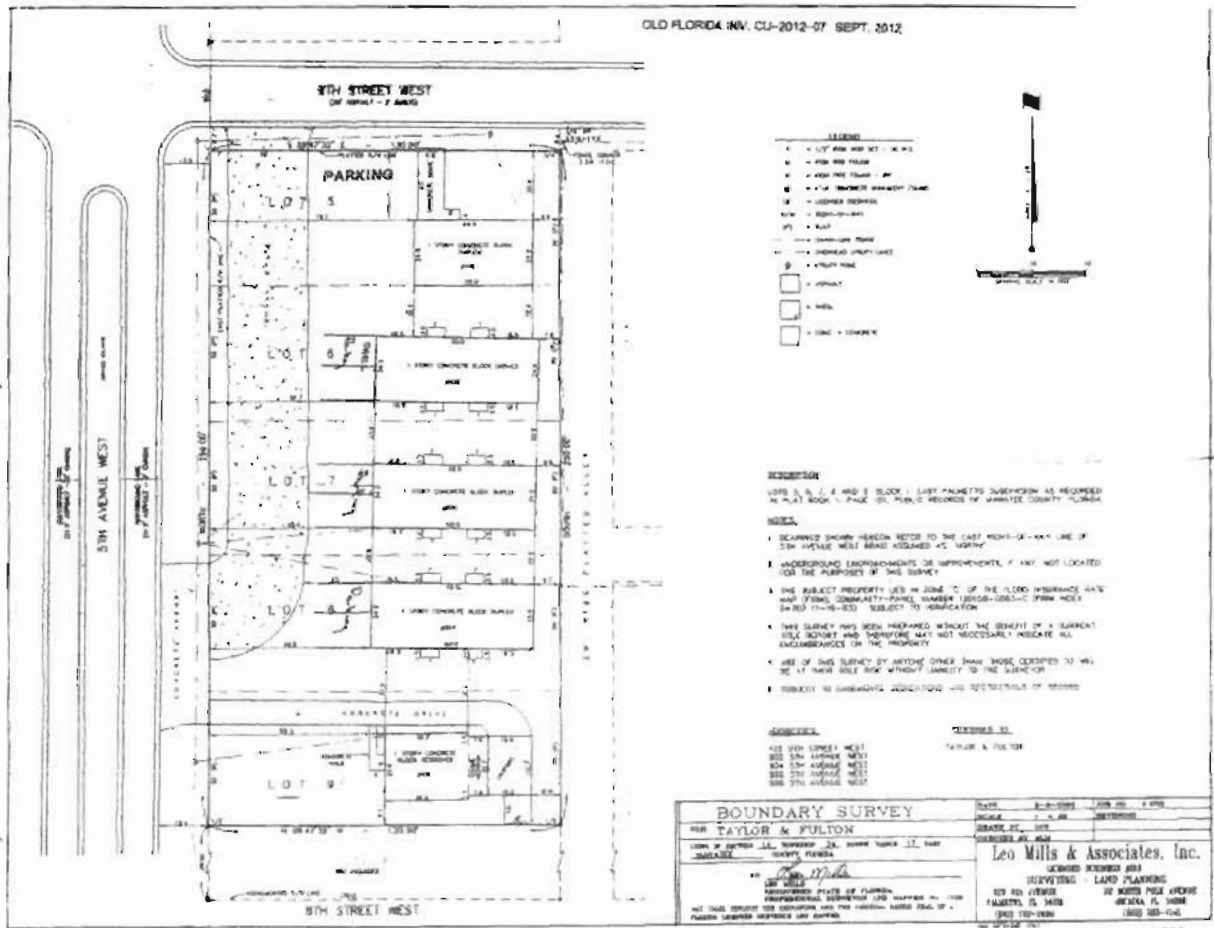


415 9th Street W=RS-4
804, 806 & 808 5th Avenue W=CN

SURVEY/SITE PLAN

Conditional Use Permits for Farm Worker Housing

CU-2012-07: 415 9th Street W & 804, 806 & 808 5th Avenue W



Security Survey for

804 through 808 5th Avenue West and 415 9th Street West



September 17th, 2012

Prepared by Lt. Scott Tyler
Palmetto Police Department
1115 10th Street West
Palmetto, Florida 34221
941-723-4587 x6360
styler@palmettopolice.com

The purpose of this survey is to provide basic CPTED and security recommendations for the apartments at 415 9th Street West and 804 through 808 5th Avenue 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 these addresses 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.

I toured the above addresses on September 13th. The property consists of four individual duplexes, aligned east and west. There is a common grass area in the back (east) that is wide open (which contributes to excellent natural surveillance). Parking for the apartments is in the front on the west side. There is little landscaping and the apartments are generally open, except for a small, decorative knee wall that runs along the front (west side) of the apartments. This wall is low and it separates the apartments from the parking area (contributes to natural access control and territorial reinforcement).

The following is a list of CPTED/ Security recommendations for 415 9th Street West and 804 through 808 5th Avenue West:

1. Ensure that there is good, working, locking hardware on all doors and windows;
2. Ensure that all doors and windows are in good working order and will open and close. All windows should have screens that fit securely and have no holes. Many of the windows at this property are boarded up or have cardboard over them;
3. Some of the apartments have window air conditioners in the windows. Many of these window units aren't very secure and have nothing more than cardboard or loose boards on either side of the window unit. If the window units belong to the apartment owner, these should be securely installed in the windows to better prevent being removed and allowing unauthorized entry. If

the residents installed these units, they should be required by the property owner to better secure the window units;

4. Install wide angle "peep hole" viewers in all doors;
5. Ensure that existing lights at the front and back of the units work.
6. There is no security lighting at the rear of the units (east side) inside the wooden fence. Some form of dusk to dawn security lighting should be installed in this area to light it up. This lighting could be free standing pole lights or security lights installed on the east end of the apartments that illuminates this area. These lights could be connected to a photo cell for energy efficiency.
7. There is also no dusk to dawn security lighting between the apartments. Lighting should be installed to illuminate these high traffic areas. One energy efficient option would be motion activated security lights. These lights would be in addition to the front and rear door lights that are activated from inside the apartment.
8. Affix complete unit numbers to the street side (west side) of each building as per City ordinance;
9. There is an advertisement for 24 hour video surveillance at the apartments, although I did not see any evidence of cameras. Advertising video surveillance and, especially, monitored video surveillance where there is none could be a potential liability for the apartment owner because it may create a false sense of security. If there are no video cameras, I encourage the owner to install a good digital system that could monitor: the parking areas; front and rear of the apartments, and the open area at the back.