

TAB 5

PEERLESS MANATEE

CU-2012-06

Staff Report
Conditional Use Permit for Farm Worker Housing
CU-2012-06: 712 & 716 5th Ave W and 408 8th Street W

BACKGROUND

Peerless Manatee Inc. is the applicant of this Conditional Use (CU) permit for farm worker housing located at 712 & 716 5th Ave W and 408 8th 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 properties are zoned General Commercial (CG) and Residential Single-Family (RS-4). The two duplexes and single-family house included in this application are located on both sides of 8th Street, east of 5th Avenue W 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's 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. 712 5th Avenue W/2794600003/duplex-farm worker housing
2. 716 5th Avenue W/2794600003/duplex-farm worker housing
3. 408 8th Street W/2794600003/single family house-farm worker housing

PLAN CATEGORY/ZONING DISTRICT

1. 712 & 716 5th Avenue W/GCOM/CG
2. 408 8th Street W/GCOM/RS-4

ADDRESS/NUMBER OF UNITS/SIZE OF PROPERTY/DENSITY

1. 712 & 716 5th Avenue W/4/0.298/13.4 du/ac.
2. 408 8th Street W/1/0.16/6.25 du/ac.

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

712 & 716 5th Avenue W

1. North: GCOM/RS-4/single-family residential
2. South: GCOM /RS-4/office
3. East: GCOM/RS-4/single-family residential
4. West: GCOM & HCOM/CG/5th Ave R-O-W & railroad tracks

408 8th Street W

1. North: GCOM/ RS-4/vacant land
2. South: GCOM/ RS-4/ single-family residential
3. East: GCOM/ RS-4/vacant land
4. West: GCOM/ RS-4/single-family residential

SITE REVIEW

History

The subject properties consist of 2 lots; one on 5th Ave W with 2 duplex and the other on 8th Street W with a single-family house. According to the Property Appraiser's information, the 2 duplex buildings were constructed in 1969 and the City's Building Department records indicate that a building permit was issued for the single family house on 8th Street in 1994.

There were reroof permits for both duplex units in 2000 but no building permits are available for either duplex.

1. Historical Zoning

According to the historic zoning maps in the Planning Department, the duplexes were zoned C-2 (Business) and the single-family house was zoned R-5 (Single Residential) prior to zoning conformance in 1990. According to the October 19, 1981 Zoning Code, C-2 permitted duplexes. The single family house on 8th Street W was built under the new Code's RS-4 (Single-family residential) zoning district.

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 application for farm worker housing is permitted in accordance with Ordinance 2012-07 which allows existing farm worker housing to become legal nonconforming upon approval. The subject property is located south and east of properties considered in application CU2012-07.

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 13.4 du/ac density of duplexes on 5th Ave W 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. The 6.25 du/ac density of the single family house on 8th Street W complies with the 10 du/ac maximum density of the GCOM category. Based on the aforementioned historical data, this structure appears to be 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 with the single family house providing two 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 in an area close to the packing plant along 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 duplexes were built in 1969 and the single family house, in 1994. 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. 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.

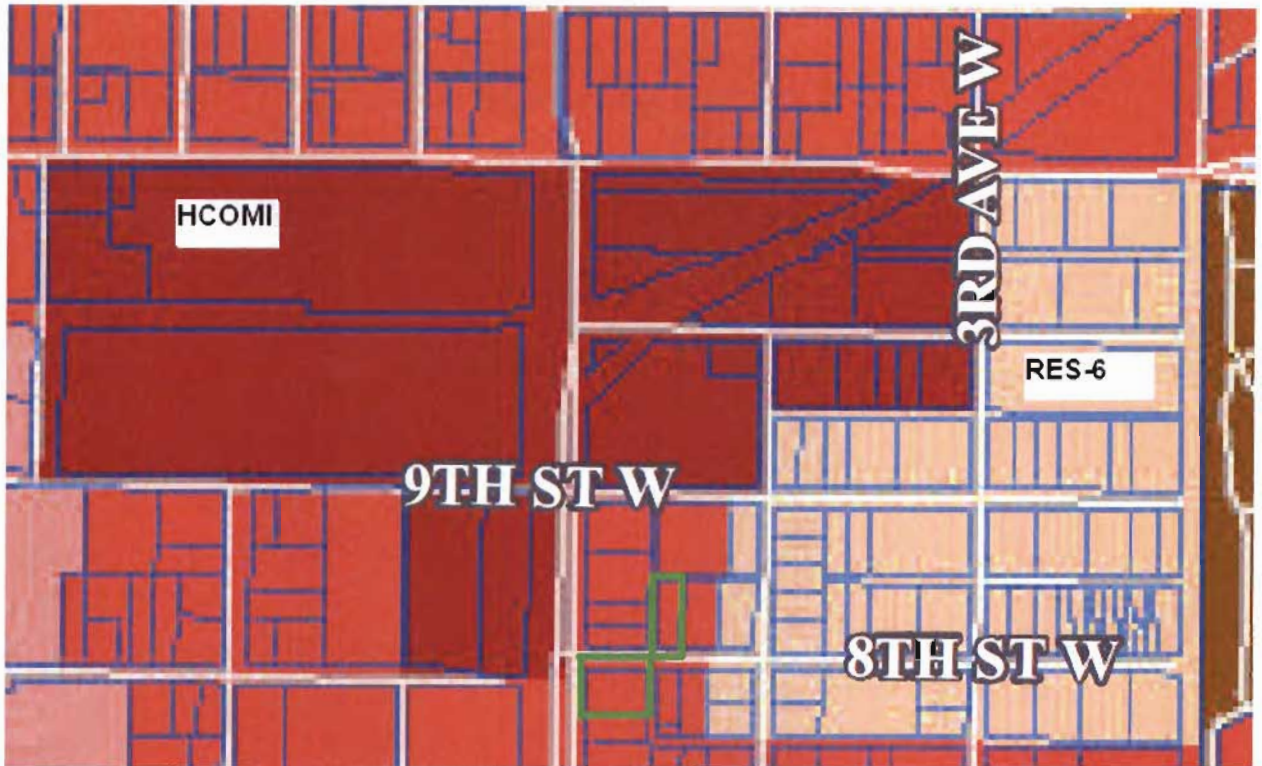
CITY COMMISSION

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

AERIAL PHOTO
Conditional Use Permit for Farm Worker Housing
CU-2012-06: 712 & 716 5th Ave W and 408 8th Street W



FUTURE LAND USE PLAN MAP
Conditional Use Permit for Farm Worker Housing
CU-2012-06: 712 & 716 5th Ave W and 408 8th Street W



712 & 716 5th Ave W – Plan: GCOM; Zoning: CG
408 8th Street W - Plan: GCOM; Zoning: RS-4

ZONING MAP
Conditional Use Permit for Farm Worker Housing
CU-2012-06: 712 & 716 5th Ave W and 408 8th Street W

