

TAB 6

PACIFIC TOMATO GROWERS

'OVERPASS APTS.'

CU-2012-12

Staff Report
Conditional Use Permit for Farm Worker Housing
CU-2012-12: 1000-1042 & 1001-1031 1st 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 1st 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 US301/10th Street and US 41 and consists of 38 duplex units which are permitted by the Department of Health. The subject properties are listed in Section 2D of Ordinance 2012-07 and a CU application was made on September 14, 2012.

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 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 1st Ave. Ct. W/2591710509/22 duplex units of farm worker housing
2. 1001-1031 1st Ave. Ct. W/2591710005/16 duplex units of farm worker housing

PLAN CATEGORY/ZONING DISTRICT

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

NUMBER OF UNITS/PROPERTY SIZE/DENSITIES

1. 1000-1042 1st Ave. Ct. W/44/2.93/15 du/ac.
2. 1001-1031 1st 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. Duplexes are not permitted uses in the CG zoning district. Overpass was zoned C-2 when it was annexed into the City in 1963. According to the Property Appraiser's information, the existing duplex buildings were constructed in 1970 although there are no building permits available in the Building Department. 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

The historic zoning maps in the Planning Department indicate that the subject property was zoned C-2 prior to zoning conformance in 1990. According to the October 19, 1981 Zoning Code, duplexes were permitted uses in the C-2 zoning district. In 1990 the subject property were rezoned from C-2 to CG, the new zoning district consistent with the Future Land Use Plan category of GCOM.

2. Parking

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 legal nonconforming upon approval in CG zoning.

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, the density appears 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 property. The proposed 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.

All farm worker housing units have addresses on 1st Avenue Court, between the railroad tracks and US 301/10th Street W, east of 2nd Street 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.

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 farm worker housing units 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.

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.

These existing residential uses have been operating as farm worker housing on the subject property for several years. Their effect on vehicular or pedestrian traffic conditions is 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 property was reviewed for CPTED by the Police Department on February 14, 2012. Screening material fitted to the existing perimeter fencing to hide the apartments is not recommended by the CPTED review.

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 property was reviewed for CPTED by the Police Department. 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.

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. Bus parking and outdoor clothes lines must comply with requirements of the Code, as it may be amended from time to time.
2. 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.
3. Maintain wide-angle peep hole viewers in all doors.
4. Maintain chain link fencing on the north, south and east sides of the property.
5. Landscaping on the south side of the property shall be maintained so as not to obscure visibility from 10th Street W.
6. 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.
7. 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.
8. Maintain simple, energy efficient pole mounted lanterns that work on photocells for the areas between buildings.

9. Maintain motion activated security lights on the back corners of each building.
10. 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.

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

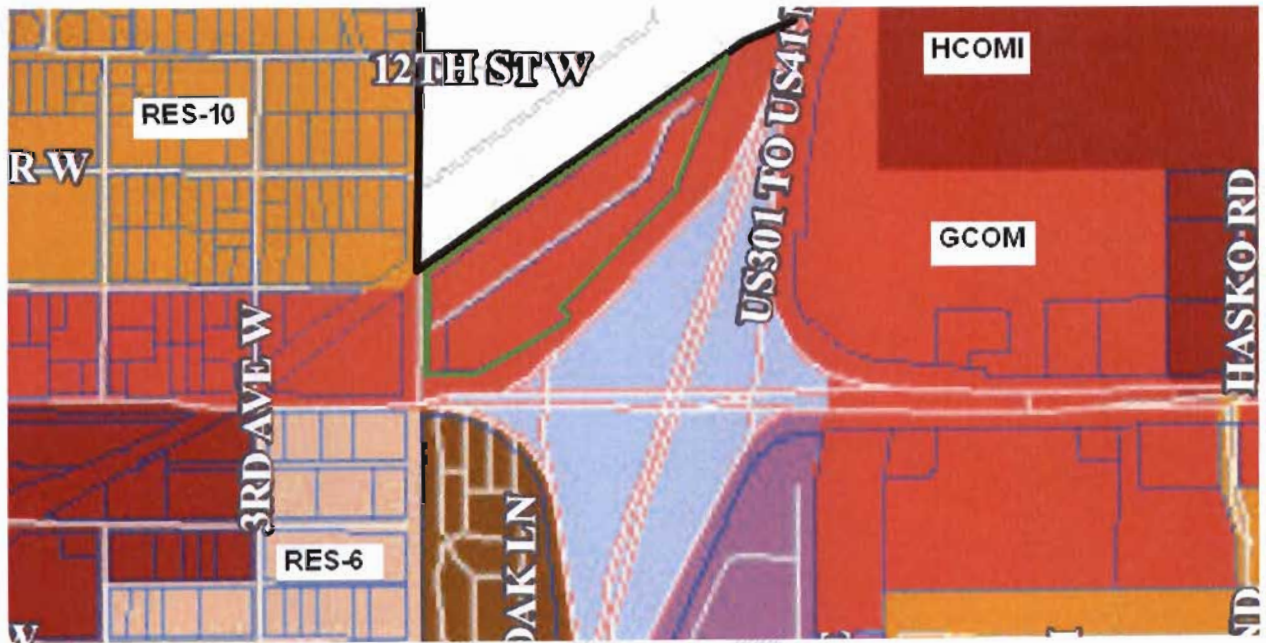
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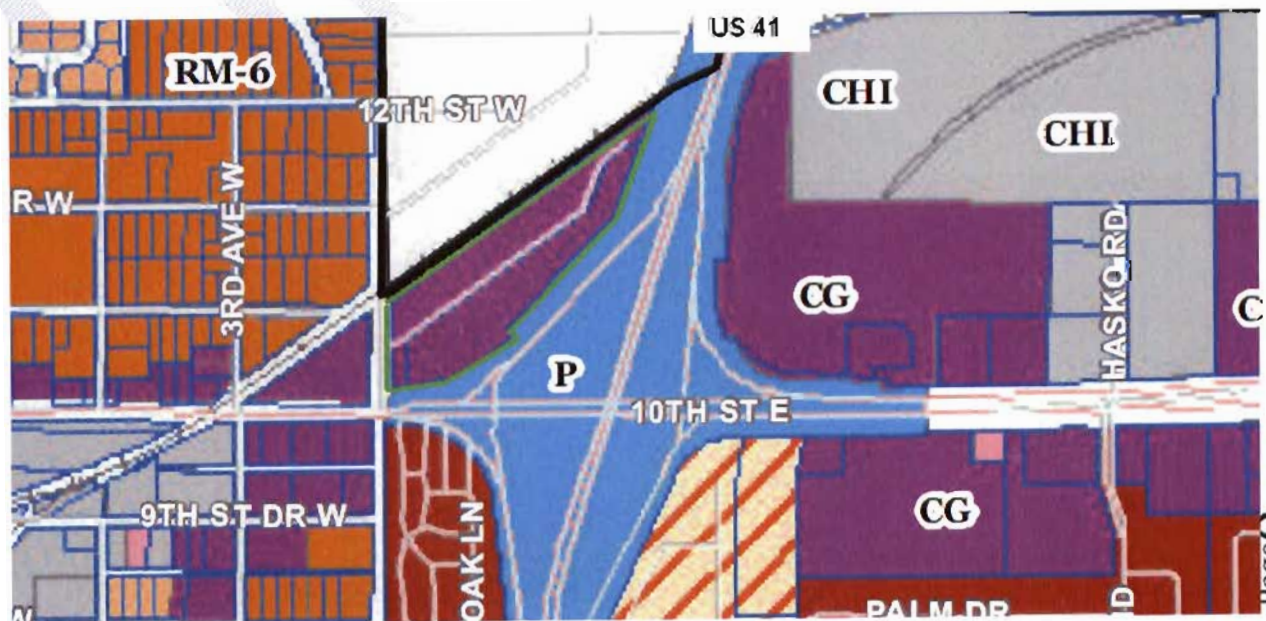
STREET LEVEL AERIAL
Conditional Use Permits for Farm Worker Housing
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FUTURE LAND USE PLAN MAP
 Conditional Use Permits for Farm Worker Housing
 CU-2012-12: 1000-1042 & 1001-1031 1st Ave. Ct. W

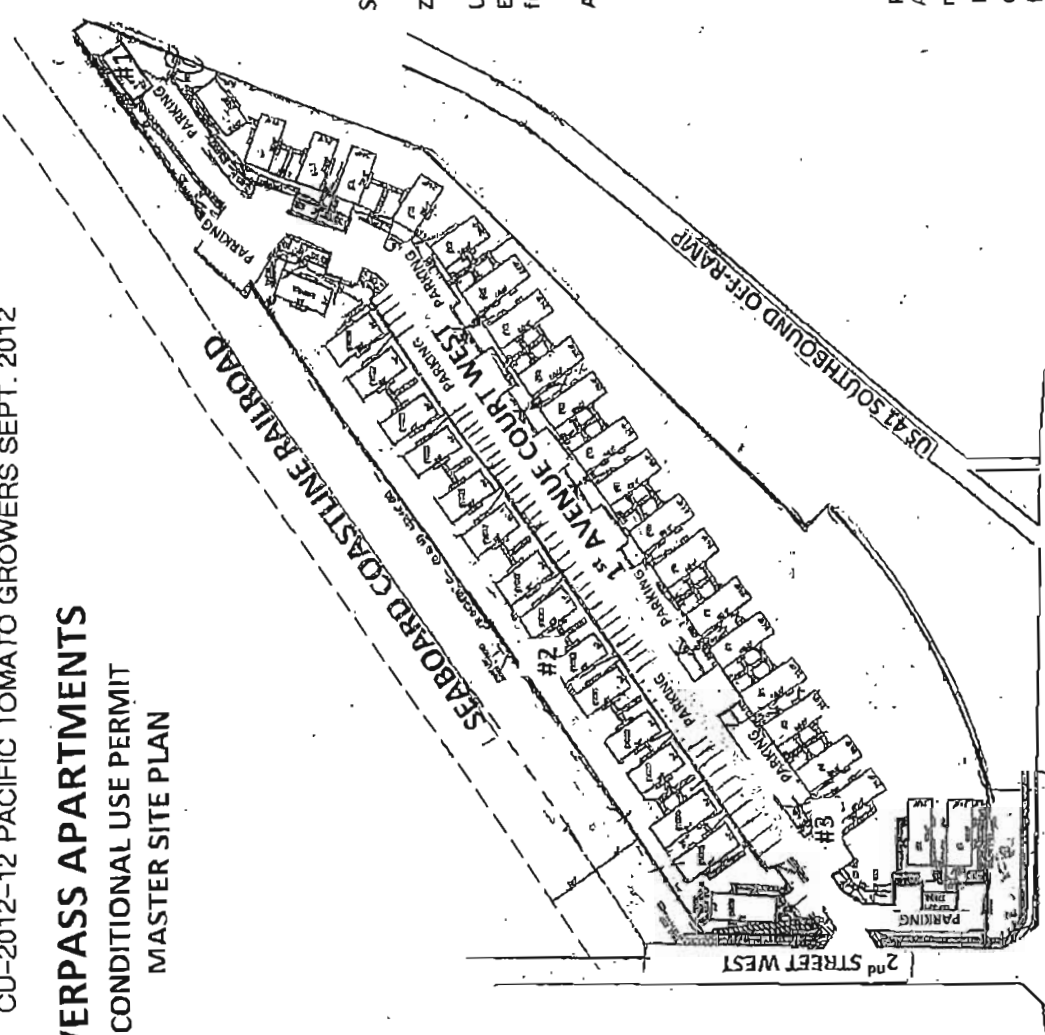


ZONING MAP
 Conditional Use Permits for Farm Worker Housing
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CU-2012-12 PACIFIC TOMATO GROWERS SEPT. 2012

OVERPASS APARTMENTS CONDITIONAL USE PERMIT MASTER SITE PLAN



SITE DATA

ZONING: CG Commercial General

USE: 38 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 1st Avenue Court W.-area is located in the rear of the dwelling units
North of 1st Avenue Court W.- area is located north of the dwelling units and south of the Seaboard Coastline Railroad

PARKING: 58 parking spaces with bumper stops
Additional areas labeled as parking do not contain bumper stops and are noted for general parking locations

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.

10TH STREET WEST

Security Survey for the

Overpass Apartments



February 14th, 2012

Prepared by Lt. Scott Tyler
Palmetto Police Department
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Palmetto, Florida 34221
941-723-4587 x6360
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The purpose of this survey is to provide basic CPTED and security recommendations for the Overpass Apartments complex. 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 the Overpass Apartments 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 Overpass Apartments complex, located at 1001 1st Avenue Court West by Michael Benishek, Risk Manager for the property owners (Pacific Tomato Growers). I met with Mr. Benishek and the site manager, David Mendoza Jr., to discuss their concerns and plans for the site. I also toured the site at night. The site is a multi-acre facility that includes two rows of concrete block, single story buildings. Each one of these buildings has two separate apartments; one in the front and one in the back. Each apartment has front and back door.

I checked crime statistics for the site since January of 2007. The site does have an elevated incidence of crime and calls for police service, ranging from nuisance calls (disorderly conduct, public drinking, and loud noise) up to burglaries and robberies. The apartments house migrant workers, who are often targeted by criminals. This has a great bearing on the elevated incidence of crime at this site.

Individual Apartment Security

As stated above, each apartment has a front and rear door, as well as multiple jalousie-style windows. Since the doors are of a solid core, exterior type with no windows, I recommend good hardware for the doors, including quality single cylinder deadbolt locks. I also recommend installing wide-angle "peep hole" viewers in each door, which would allow residents to look outside and spot potential problems

before opening the door. I also recommend that pry guards be installed on each door, to protect the lock and throw area.

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) and natural access control (limiting and controlling the way people enter and exit the site). This site is surrounded on three sides (north, south, and east) by a chain link fence that is in good condition. The fencing discourages non-residents from cutting through the site. There is only one way in and out, which also discourages trespassing and encourages residents to keep track of who is entering the property.

Natural surveillance is another key concept in promoting site safety. The concept involves 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. Natural surveillance also involves identifying and eliminating staging or hiding areas, where criminals can conceal themselves and attack victims from. This site is relatively open (except for the buildings, themselves), which greatly helps with security. The open nature of the property also helps residents watch out for each other. There are some large Oleander plants along the south side of the property. I encourage the property owner to keep these thinned out, to allow traffic on 10th Street West to look into the property.

Mr. Benishek and I also discussed screening material being fitted to the existing perimeter fencing to hide or camouflage the apartments. This is a poor idea from a crime prevention and CPTED standpoint. I do not recommend screening this site in any way. I believe that eliminating the existing natural surveillance will actually encourage crime on the site.

Video Surveillance

Mr. Benishek told me that he is strongly considering installing video surveillance on the property. This is an excellent idea. Video surveillance should include the entrance and parking areas, as well as the maintenance building (east end) and the rear of the buildings. I encourage the property owners to consider 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 Overpass Apartments is currently limited. Mr. Benishek told me that this is another security feature that he wants to improve. There are sodium vapor lamps on poles that line the south side of 1st Avenue Court West. Several of these lamps were out when I inspected the site after dark. The existing sodium vapor lamps give a dull, yellowish light that makes clear visibility difficult. I encourage the property owners to consider having these lamps replaced or retro-fitted with a more modern, energy efficient type of bulb that gives a brighter, clean light. Metal halide lighting is one option.

There is no lighting, at all, on the north side of the road. The lamps on the south side do little to illuminate the north side of the road. There is also currently no lighting between the apartments or in back of the apartments on either side. I recommend a separate set of lights for the south side of the road. Again, these should be a bright, clean light that creates good visibility.

Lighting between the apartments is also critical, as this is where the doors are. There are outside lights by the doors, but they are activated from inside the apartments by the residents (they are not continuously on). The existing pole mounted lights on the roadway do not adequately light the areas between the apartments. I recommend simple, energy efficient, pole mounted lanterns that work on photocells for these areas.

The back of the apartments have no dedicated lights and are very dark. Over the years, there have been many instances where residents have been victimized by attackers coming from behind the apartments. The apartments along the south perimeter do benefit a little from the street lights along 10th Street West and the interchange with S.R. 55, however, there are still dark areas. I recommend installing motion activated double security lights on the back corners of each apartment. The area between every two units is very close, so one set of lights would probably suffice here. The sensitivity of the motion detectors should be adjusted so that the lights are not activated by animals.

Resident Safety

Over the years I have noticed that some of the practices that residents of Overpass Apartments have may actually encourage their victimization. One of the greatest safety issues that I have seen is the resident practice of leaving both 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 on the Overpass Apartments. I would welcome any opportunity to do some crime prevention education with the residents that live there.

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.