

Tab 3

Old Florida Investments

CU-2012-09

Staff Report
Conditional Use Permits for Farm Worker Housing
CU-2012-09: 619, 621 & 623 11th Street W & 1010 & 1012 7th Ave W

BACKGROUND

Old Florida Investments, Inc. is the applicant of a Conditional Use (CU) permit for farm worker housing located at 619, 621 & 623 11th Street W & 1010 & 1012 7th Ave W. The purpose of this CU request is to bring these farm worker housing units into compliance with the City's zoning requirements. The code requires a conditional use in the Residential Multi-Family (RM-6) or Residential Duplex (RM-5) zoning districts for farm worker housing. The subject property is zoned RM-6, permitted by the Department of Health and is located in the central part of the City east of 8th Avenue W and north of 10th Street W.

Ordinance 2012-07 was approved by the City Commission on August 6, 2012 to provide appropriate standards for the safety and protection of residents in farm worker housing and boarding/rooming houses by requiring both a CPTED review by the Police Department and a site plan/survey for conditional uses.

PROPERTY OWNER: Old Florida Investments, Inc.

PARCEL ID: 2651700003

ADDRESS/ EXISTING LAND USE

1. 619 & 621 11th Street W/duplex (2 units farm worker housing)
2. 623 11th Street W/1 unit farm worker housing
3. 1010 & 1012 7th Ave W/duplex (2 units farm worker housing)

PLAN CATEGORY/ZONING DISTRICT

GCOM/RM-6

NUMBER OF UNITS/SIZE OF PROPERTIES/DENSITIES

1. 5/0.34 acres/14.7du/ac.

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

1. North: GCOM/ RM-6/single-family residential
2. South: GCOM/ CG /commercial: vacant land and parking
3. East: GCOM/RM-6/single-family residential
4. West: GCOM/ RM-6/ single-family residential

SITE REVIEW

History

The subject property takes up the block bordered by 11th St W to the north, 6th Ave Dr W to the east, alley to the south and 7th Ave W to the west. The site currently contains 3 buildings: 2 duplexes and a single unit building which combined, contains 5 multi-family units. According to the Property Appraiser's information, both buildings were constructed in 1982 there but are no building permits available for structures on this site. The City's Building Department records for this property show roofing activity permit for 623 11th Street W in 1998, electrical permits for 1010 and 1012 7th Ave W

Avenue W in 2005 and sewer line replacement for 619 11th Street W in 2008.

1. Historical Zoning

According to the historic zoning maps in the Planning Department, the subject properties were zoned R-6 prior to zoning conformance in 1990 when the City was rezoned to the new Zoning Code consistent with the Future Land Use Plan. According to the October 19, 1981 Zoning Code, R-6 permitted single, dual, multiple residences for families; private garage; accessory building together with commercial farms and chicken farms. They were rezoned to RM-6 as part of the City's zoning conformance program.

PLAN COMPLIANCE

The City's Zoning Code defines *Farm Worker Housing* as:

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 proposal is for farm worker housing which 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 the subject sites to determine whether or not they are appropriate for farm worker housing while recognizing the need for these uses, consistent with the Housing Element of the Comprehensive Plan. The subject farm worker housing sites currently exist and are seeking conditional use permits to conform to Code.

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.

The Conditional Use proposal for farm worker housing complies with the RM-6 zoning district in terms of the use but may not comply with the type of structure or most current dimensional requirements as the RM-6 district which does not permit duplexes. At a density of 14.7 in GCOM, it exceeds the maximum 10 du/ac density of both the Plan category and the RM-6 zoning district. 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 survey provided for the subject property shows at least 5 parking spaces for 5 units of farm worker housing

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 has access to local residential streets, is surrounded by single family residences and is one block north of 10th Street/US301, a 3-lane undivided County roadway. The existing residential uses have been operating as farm worker housing on these site for several years; they are 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 conditional use application is to recognize the existing farm worker housing use in an existing development built in 1982. This CU is not expected to have a substantial adverse impact on the natural environment. The subject property is located in flood zone C.

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 at this location for a number of years. There are single-family residential uses on all sides except the south side which contains commercial uses including a modular office, parking and vacant land.

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.

The property is 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.

The existing residential uses have been operating as farm worker housing on this parcel for several years; they are not likely to create hazardous vehicular or pedestrian traffic conditions

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 by the Police Department for CPTED. There is very little landscaping existing onsite.

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.

WAIVER:

Section 28-78 of the Code of Ordinances and Section 6.15 of the Zoning Code requires all residential units to be provided with two (2) off-street parking spaces. The site plans provides for 1 space per unit. As noted above, this is a long-term existing use and there has not historically been a parking issue on the site, in large part, due to either the provision of transportation by the employer to and from the job site or the proximity of the subject property to the job site. As such, staff finds that the request meets the requirements for the issuance of a waiver of the parking requirements for this site in accordance with the requirements of Section 15.4 of the Zoning Code.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed conditional use permit subject to the following conditions resulting from the CPTED review conducted by Cpl. Kimberly Camacho on November 19, 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. Cardboard or other screening material covering windows must be replaced with glass to allow residents to see outside.
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 there are lights at the front and rear doors of the units and that they are in good working condition.
5. Install and maintain dusk to dawn security lighting at the east side of property below the tree canopy to include either free standing pole lights or wall mounted security lights to illuminate

- the east side parking area and grassy area between buildings.
6. Provide and maintain motion activated security lights between buildings and the rear of 623 11th St. W to illuminate high traffic areas from dusk to dawn.
 7. The property owner shall maintain unit numbers along 11th Street W and 7th Avenue W for better visibility of addresses and an additional unit number on the east side of 623 11th St. W is recommended.
 8. The parking areas shall be defined and given good territorial reinforcement. Posts should be replaced or repaired and painted in a contrast color for definition.
 9. Installation of video surveillance is strongly encouraged for parking areas and the front, rear and sides of the buildings 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.
 11. The Owner shall have 90 days from the date of approval of the Conditional Use permit to complete required site improvements.

PLANNING AND ZONING BOARD RECOMMENDATION:

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

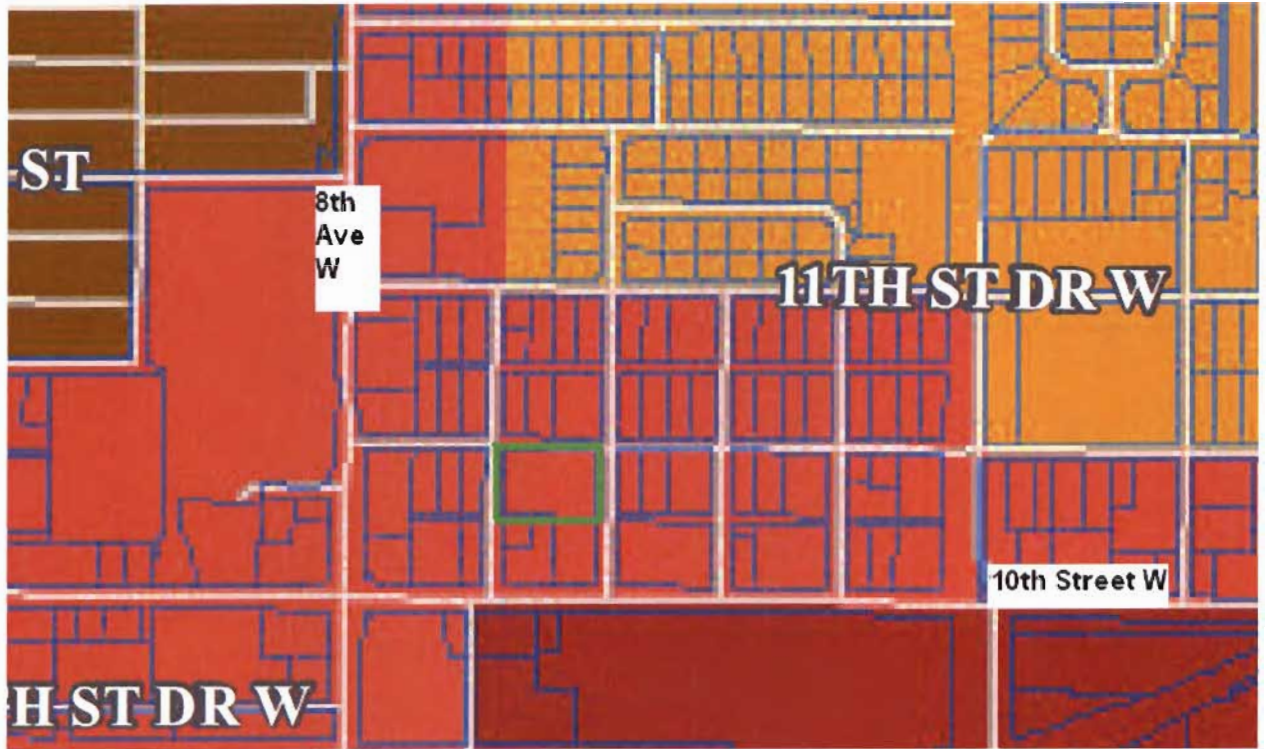
CITY COMMISSION

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

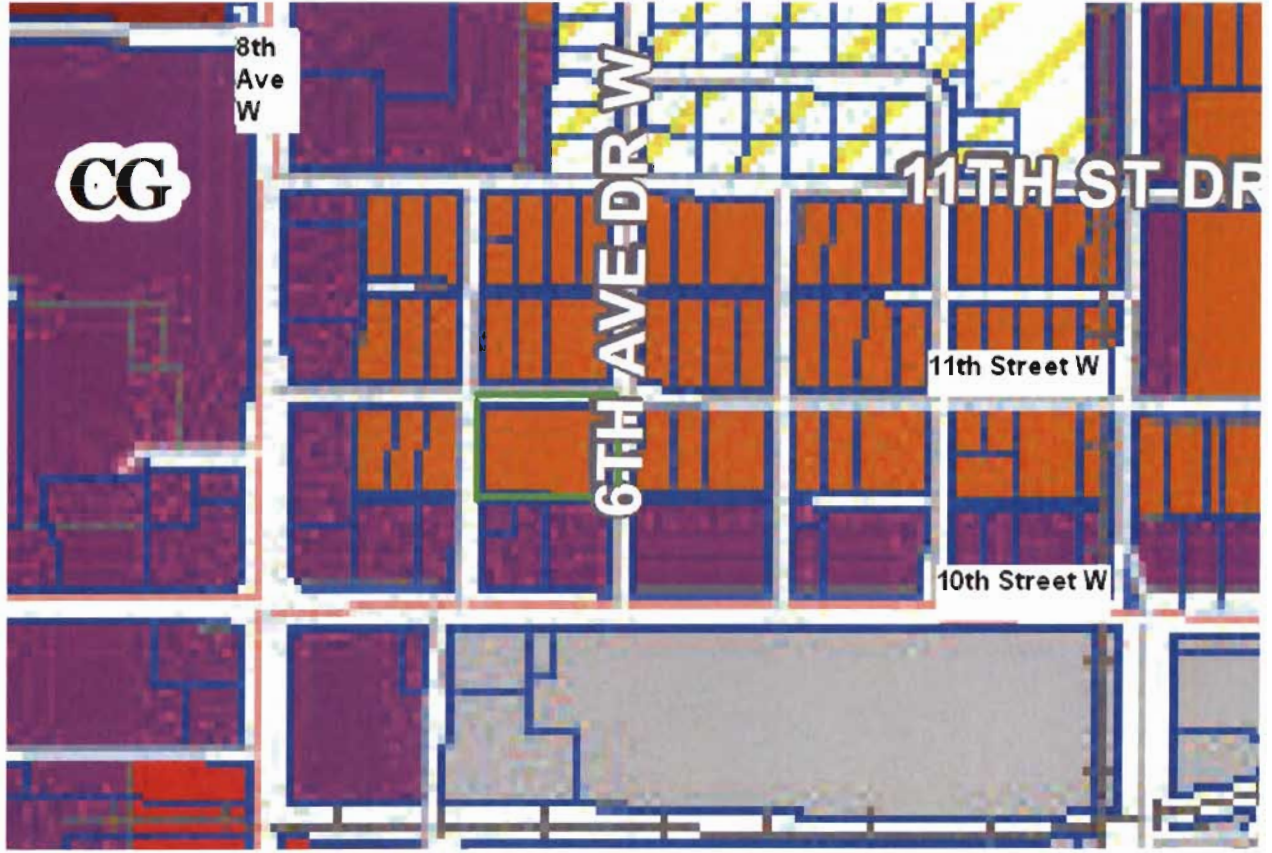
AERIAL PHOTO
Conditional Use Permit for Farm Worker Housing
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FUTURE LAND USE PLAN MAP
Conditional Use Permit for Farm Worker Housing
CU-2012-09: 619, 621 & 623 11th Street W & 1010 & 1012 7th Ave W

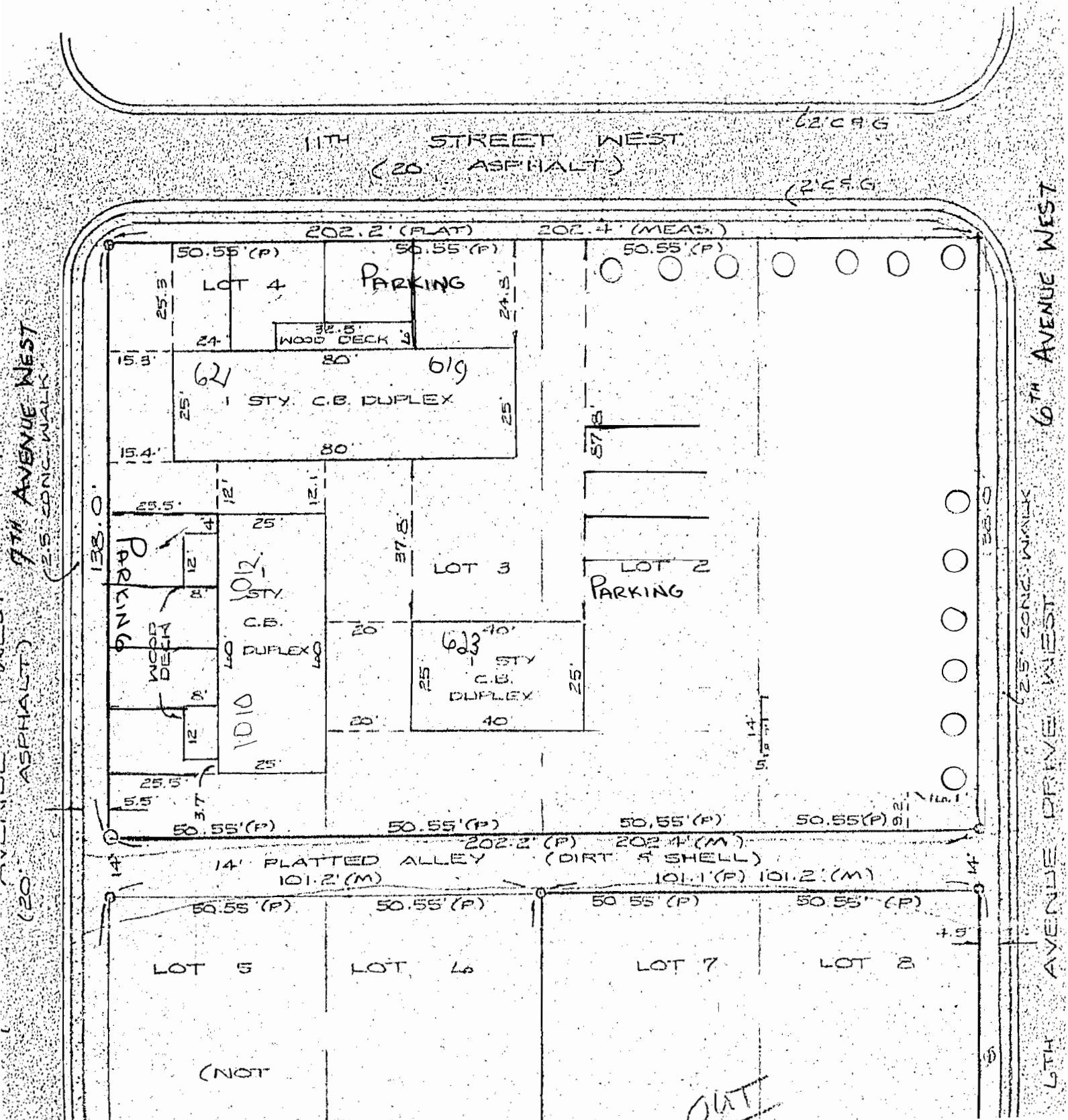


ZONING MAP
Conditional Use Permit for Farm Worker Housing
CU-2012-09: 619, 621 & 623 11th Street W & 1010 & 1012 7th Ave W



*CU2012-09; 5 units farm worker housing
619, 621 & 623 11th St W & 1010 & 1012 7th Ave W
December, 2012*

OLD FLORIDA INV. CU-2012-09 SEPT. 2012



Security Survey for

**619, 621, & 623 11th Street West
And
1010 & 1012 7th Avenue West**

November 19th, 2012

Prepared by Cpl. Kimberly Camacho
Palmetto Police Department
1115 10th Street West
Palmetto, FI 34221
(941) 723-4587
scamacho@palmettopolice.com

The purpose of this survey is to provide basic CPTED and security recommendations for the apartments at 619, 621 & 623 11th Street West and 1010 & 1012 7th 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 November 19th. The property at 619, 621, & 623 11th Street West and 1010 & 1012 7th Avenue West consists of two duplexes and a single residence. The 1st building contains two apartments, # 619 & 621 that face 11th Street W. This building's front doors are to the north and the back doors are to the south. The 2nd building, 623, sits behind the 1st building. The 2nd build, #623, is a single residence. It is aligned with the front door facing to the north and the back door facing south. The 3rd building contains apartments # 1010 & #1012 facing 7th Avenue. The Front doors on # 1010 & 1012 face to the west and the back doors face east.

There is a common grass area in-between building's one and two and three. The grass area is to the rear of building three and in-between building one and two. This green space is an important feature to the complex because it

provides an area for social interactions among neighbors and that creates natural surveillance.

Parking for building two, # 623, appears to be to the east side of the building; however the residences are parking in the green space between building one and two. The parking for building one is on the north side of the building next to the street. The parking for building three is on the west side of building three next to the street.

There is little landscaping and the apartments are generally open, except for small posts approximately 2' tall that runs along the perimeter of most of the property.

The following is a list of CPTED/Security recommendations for 619, 621, & 623 11th Street West and 1010 & 1012 7th Avenue West:

1. Ensure that all exterior doors are solid core exterior grade doors.
2. Ensure there is good working hardware on all of the windows and doors to include: thumb latch dead bolt locks as well as door locks, 3" screws in the strike plates and non-removable pin hinges.
3. 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;
4. 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;
5. Install wide angle "peep hole" viewers in all exterior doors;
6. All security lighting should be High Intensity Discharge (HID) Metal Halide lights. HID Metal Halide lights are very efficient, give good optical control and excellent color rendition.
7. Ensure that there are security lights at the front and back door of each unit.

8. Ensure each light is work and have appropriate housing over the light. Many of the units did not have any housing over the bulbs.
9. Place a dusk to dawn HID Metal Halide security lighting at the east side of the units (east side of the property) below the tree canopy to illuminate the east side parking area and grassy area in-between the three buildings. This lighting could be a free standing pole light. These lights could be connected to a photo cell for energy efficiency.
10. There is also no dusk to dawn security lighting between building two and three and to the rear of the building two. HID Metal Halide Lighting should be installed to illuminate these 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.
11. The Address numbers are affixed to the north side of building one and two. The 623 number should also be added to the east side of the building two. The address numbers are affixed to the west side of the building three. All numbers should be cleaned and repainted for higher visibility.
12. The perimeter is partially surrounded by 2' post, giving good territorial reinforcement. Some post were missing, loose, or damaged. The post need to be either repaired or replaced and painted a contrasting color so they are visible and do not blend into the ground cover but not so contrasting in color to be offensive.
13. The parking area needs to be defined by the perimeter posts. The parking between the buildings in the green space needs to be eliminated. The post should be painted to match the perimeter posts.
14. There is no advertisement for 24 hour video surveillance at the apartments, however there are cameras mounted to the top of building one. The appearance of 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 the video cameras are not functioning, I encourage the owner to replace the cameras with a good digital system that could monitor: the parking areas; front and rear of the apartments, and the open areas.