

**MINUTES  
CITY OF PALMETTO  
PLANNING AND ZONING BOARD  
MAY 16<sup>TH</sup>, 2013 – 5:30 P.M.**

516 8<sup>th</sup> Avenue West  
Palmetto, FL 34221

[www.palmettofl.org](http://www.palmettofl.org)  
941-723-4570

**Board Members Present**

ERIC GILBERT, Chair  
LEON KOTECKI  
CHARLIE UGARTE  
JON MOORE

**Board Members Absent**

JAMES PASTOR

ALSO IN ATTENDANCE:  
LORRAINE LYN, CITY PLANNER  
CHAR PATTERSON, PLANNING TECH  
MARK BARNEBEY, CITY ATTORNEY

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*Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.*

**ORDER OF BUSINESS:**

1. **Approval of April 18<sup>th</sup>, 2013 Meeting Minutes** Tab 1  
Motion by Mr. Ugarte to approve the April 18<sup>th</sup>, 2013 minutes as presented. Mr. Kotecki seconded.  
**MOTION CARRIED UNANIMOUSLY.**

2. **TOP 3% INC., - OAKRIDGE APTS. Z 2012-02** Tab 2

This is a request for a Rezone, Z 2012-02 by Top 3% Inc. Located at 501 – 704 13<sup>th</sup> Street West and 500 – 706 14<sup>th</sup> Street West.

**Rezoning of the parcel located on the north side of 14<sup>th</sup> Street West from RS-4 to RM-5.**

**Rezoning of the parcel located south of 14<sup>th</sup> Street West from RM-6 to RM-5.**

**Rezoning of the parcel located south of 13<sup>th</sup> Street West from RM-6 to RM-5.**

3. **TOP 3%, INC., - OAKRIDGE APTS. CU 2012-10**

This is a request for a Conditional Use Permit, Application CU 2012-10 by Top 3% Inc. Located at 501 – 704 13<sup>th</sup> Street West and 500 – 706 14<sup>th</sup> Street West for Farm Worker Housing.

4. **TOP 3%, INC., - OAKRIDGE APTS. CU 2012-10**

This is a request for a Conditional Use Permit, Application CU 2012-10 by Top 3% Inc. Located at 501 – 704 13<sup>th</sup> Street West and 500 – 706 14<sup>th</sup> Street West for Farm Worker Housing.

**Chairman Gilbert opened the public hearing for Z 2012-02 AND CU 2012-10**

Ms. Lyn spoke regarding the background for Ordinance 2012-07 was approved by the City Commission to provide appropriate standards for the safety and protection of residents in farmworker housing by requiring both a CPTED (Crime Prevention Through Environmental Design) review by the Police Department and a site plan/survey for conditional uses.

In order for the Conditional Use to be considered for farm worker housing the north side should be rezoned from RS-4 to RM-5 and the rest of the site should be rezoned from RM-6 to RM-5.

She continued that the applicant is requesting a Conditional Use for all units (72 duplexes, two of which are used for an office and a Laundromat) for a total of 140 units.

The overall density is  $140/10.54 = 13.3$  du/ac, which exceeds the allowable 10.0 du/ac. The plan category on the North: surrounding properties is GCOM, RES-10, PF/RS-4/Palmetto Public Works, multifamily residential; South: RES-10/RM-6/single-family residential, church, vacant land; EAST: RES-

10/RS-4/railroad, single-family residential, vacant land; WEST: GCOM/CHI, CG, RM-6/commercial, warehousing, single-family residential, vacant land.

Landscaping screening will be required along the eastern border from 501 14<sup>th</sup> St. W northwards to the NE corner of the parcel and along the northern border westwards to 520 14<sup>th</sup> St W, behind 11 buildings.

Per CPTED recommendation, the screening shall consist of 3 sabal palms for every 100 linear feet.

Per Department of Health (DOH) this development has 18 units permitted for farm worker housing at present. The applicant has expressed their concern for the flexibility to house farm workers on any vacant property, so therefore the entire property would require a CPTED review and compliance.

Staff recommends the approval of the Rezone and approval of the Conditional Use Permit with the following stipulations:

1. No more than 25% or 35 units shall be used for farm worker housing at any one time.
2. Use of the existing office and Laundromat shall be limited to serving residents of the 140 duplex units.
3. 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. All doors must be able to be closed securely. Cardboard or other screening material covering windows must be replaced with glass to allow residents to see outside.
4. Install and maintain wide-angle peep hole viewers in all doors.
5. Ensure that all vacant units are secured and windows are not broken;
6. 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.
7. Install dusk to dawn security lighting to illuminate focal points such as the parking areas, the Laundromat and the area around the mailboxes located on 13<sup>th</sup> Street.
8. Install and maintain security lighting in the rear of the units along the fence line on the south, east and north side of the property. This lighting could be free standing pole lights or security lights installed on the south, east and north side of the apartments that illuminate these areas. These lights could be connected to a photo cell for energy efficiency. Replace yellow or soiled lenses on lighting fixtures and trim trees and shrubs around existing lights to ensure maximum effectiveness of lighting.
9. Electrical boxes on the exterior of the units shall be secured or removed.
10. The existing chain link fence along the northern, western and southern boundaries of the property shall be maintained and in good repair.
11. Landscaping around units shall be maintained no higher than 4 feet for natural surveillance.
12. Installation of digital video surveillance is strongly encouraged for parking areas, the front and rear of the buildings and the Laundromat for the protection of the residents and to aid the protective efforts of the Police Department.
13. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
14. The Owner shall have 90 days from the date of approval of the Conditional Use permit to complete required site improvements.

Mr. Kotecki commented that the density was much higher than allowed per the zoning codes and questioned if 50% or more of a building were destroyed could the building be rebuilt or would it have to be removed.

Ms. Lyn replied with language from the Planning Code: *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.*

Discussion continued regarding whether the rebuild could happen, project being treated as a whole project or individual lots, applicant treating it as a project as a whole, southern portion is platted northern is not platted.

Mr. Barnebey stated that the type of unit that currently exists today is not allowed in some of the zoning categories they have so, by rezoning to allow duplexes you would take into consideration the setbacks,

density, treating the project as individual lots or as a whole to determine how many units would be allowed to be rebuilt on the site and that the Conditional Use Permit would need to cover the entire property (all parcels).

### **Chairman Gilbert opened the Public Hearing for Comment on Item #2 & Item #3**

Mr. Bill Eurice spoke informing the Board that he has been the property-manager since 1977 and not really sure how the non conforming zoning of RS-4 and RM-6 was established.

He continued that he does not want to make the whole place a migrant farm worker camp but wants the flexibility to move the farm workers into vacant duplexes as needed and does not believe that staff recommendation of 25% or 35 units would be sufficient.

Mr. Eurice continued to explain that it is mandated that the Department of Housing (DOH) permit the building before it can be rented, and allows up to 5 people per unit.

Mr. Henry Jones residing at 711 13<sup>th</sup> Street West spoke in opposition to the rezoning and conditional use permit stating that it is overcrowded, has a lot of crime and felt that it had unsanitary conditions.

### **Chairman Gilbert closed the Public Hearing for Comment on Item #2 & Item #3**

Chairman Gilbert explained that by rezoning the property it would regulate what could or could not be done with the property in the future and by approving the Conditional Use Permit it would allow for more regulation and control through CPTED and code enforcement.

Mr. Ugarte questioned if there was a resident supervisor living there and he believed that DOH required a supervisor to live on sight if there were over 50 units of farm worker housing.

### **Chairman Gilbert reopened the Public Hearing for Comment on Item #2 & Item #3**

Mr. Jones asked if there was a possibility in using 14<sup>th</sup> Street for all vehicular traffic and blocking off 13<sup>th</sup> Street to pedestrian traffic only.

### **Chairman Gilbert closed the Public Hearing for Comment on Item #2 & Item #3**

Mr. Ugarte motioned to approve the proposed rezoning from RS-4 and RM-6 to RM-5. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

Discussion continued on the Conditional Use Permit request.

Mr. Ugarte thought that staff recommendation limiting the Conditional Use Permit to 25% or 35 units was reasonable considering the City is waving the parking requirements and the property is well above the density requirements.

Discussion continued to include floating the Conditional Use Permit to regulate the farm worker housing area to either 13<sup>th</sup> or 14<sup>th</sup> Street; monitoring by the DOH, code enforcement.

Mr. Kotecki asked if the applicant could ask for a modification to the Conditional Use Permit in the future to allow for more farm worker housing with Mr. Barnebey replying that they would be a possibility.

Motion by Mr. Kotecki to approve the proposed Conditional Use permit with the following stipulations:

1. No more than 25% or 35 units shall be used for farm worker housing at any one time.
2. Use of the existing office and Laundromat shall be limited to serving residents of the 140 duplex units.
3. 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. All doors must be able to be closed securely. Cardboard or other screening material covering windows must be replaced with glass to allow residents to see outside.
4. Install and maintain wide-angle peep hole viewers in all doors.
5. Ensure that all vacant units are secured and windows are not broken;
6. 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.

7. Install dusk to dawn security lighting to illuminate focal points such as the parking areas, the Laundromat and the area around the mailboxes located on 13<sup>th</sup> Street.
8. Install and maintain security lighting in the rear of the units along the fence line on the south, east and north side of the property. This lighting could be free standing pole lights or security lights installed on the south, east and north side of the apartments that illuminate these areas. These lights could be connected to a photo cell for energy efficiency. Replace yellow or soiled lenses on lighting fixtures and trim trees and shrubs around existing lights to ensure maximum effectiveness of lighting.
9. Electrical boxes on the exterior of the units shall be secured or removed.
10. The existing chain link fence along the northern, western and southern boundaries of the property shall be maintained and in good repair.
11. Landscaping around units shall be maintained no higher than 4 feet for natural surveillance.
12. Installation of digital video surveillance is strongly encouraged for parking areas, the front and rear of the buildings and the Laundromat for the protection of the residents and to aid the protective efforts of the Police Department.
13. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
14. The Owner shall have 90 days from the date of approval of the Conditional Use permit to complete required site improvements.

Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

5. **PUBLIC HEARING CONTINUED FROM APRIL 18<sup>TH</sup>, 2013:**

**REVISING THE CURRENT TEMPORARY USE PERMIT CRITERIA**

Tab 3

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE FOR A DEFINITION OF MOBILE VENDORS; REVISING THE CURRENT TEMPORARY USE PERMIT CRITERIA AND ADDING CRITERIA FOR USE AND OPERATION OF MOBILE VENDORS, INCLUDING PUSH CARTS AND TEMPORARY VENDORS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Barnebey spoke regarding the changes made to the temp uses for mobile vendors.

Vehicle Vendor are those Mobile Vendors which operate from self-contained, street-legal vehicles, and which operate in any fixed location for no more than 15 minutes at a time. Vehicle Vendors shall not be required to obtain a Temporary Use Permit or a Special Function Permit for such operation, but shall obey all traffic laws.

Daily Vendors to include people that operate from fixed locations for more than 15 minutes but vacate the locations daily.

Daily Vendors shall not be connected to potable water, sanitary sewer or electrical service; and vendors shall not provide tents, tables or other areas for on-site consumption of goods.

Seasonal Vendors operate from a fixed location, and do not vacate the premises completely on a daily basis.

Mobile Vendors shall maintain all applicable local and state permits and licenses, and shall display or have such permits and licenses available for inspection at all time during operation.

Seasonal Vendors shall demonstrate adequate provision for ingress/egress, traffic circulation, parking, waste disposal, utilities, restroom facilities and seating as applicable.

Mr. Ugarte asked if they all needed a DBPR license.

Mr. Ugarte asked if DBPR permit should be added to the Ordinance. Discussion continued that the licenses required should not be listed on the Ordinance but rather all applicable licensing should be displayed or be available for inspection.

Mr. Barnebey replied that the City could not shut the business down, but the State, or applicable agency could be contacted and they would be able to enforce the absence of the license.

**Chairman Gilbert opened the Public Hearing**

No Public Comment

**Chairman Gilbert closed the Public Hearing**

Mr. Kotecki moved to approve the Mobile Vendors Ordinance as proposed by staff. Mr. Moore seconded.

**MOTION CARRIED UNANIMOUSLY.**

6. Old Business
7. New Business
8. Adjournment 6:55 p.m.