Meeting of
THE CITY OF PARKER PLANNING COMMITTEE
May 9, 2023
5:00 pm
PARKER CITY HALL

Chairman Rega called the meeting to order at 5:03pm

Invocation given by Mr. Stryker

Pledge of Allegiance

Roll Call:
Ms. Hutto – present
Mr. Palmer – present
Mr. Robicheaux – present
Mr. Stryker – present
Mr. Rega – present

Approval of the minutes
On a motion of Ms. Hutto and a second by Mr. Stryker, council approved the minutes from April 11, 2023, as written.

Ms. Hutto – aye
Mr. Palmer - aye
Mr. Robicheaux – aye
Mr. Stryker - aye
Mr. Rega - aye

Items from the audience:
1. Dave Whaler of 45 West Cooper, has been working on revamping West Cooper, added 160' dock, buying a lot from Royal Thai, handed out survey. Would like to put multifamily structure on property, zoned currently as residential and does not meet the LDR. Lot is approximately 8450 square feet. He may apply for a land use change. Mr. Palmer stated it is hard to see the vision of the building. Mr. Sloan stated the land used change would need to be made then the development order. Minimum lot size would not be met, and a variance would also be needed. Mr. Whaley pointed out that a triplex is across the street. Mr. Rega would like this project to continue with talks in the future.
2. Pat Fousek of 1344 Stratford Ave feels Anchor's analysis and recommendation at the last meeting was inconsistent with the comprehensive plan, LDR and the CRA. Discussion of the appropriate process, she would like to see the planning department speak with Anchor. Mr. Rega explained that plans go to Anchor for review first, they look at parking, and the LDR height, weight, size etc., they make sure the development meets certain criteria, it may fail some points. Planning members and council members receive Anchor's review. The council can look at other criteria, the planning committees' goal is to look at the LDR. Planning is an advisory committee; Clerk gives planning minutes to council. Anchor is an engineering concept review. Ms. Fousek states Anchor report stated it was interpreting the LDR and not engineering aspects and they may have overstepped. Mr. Rega stated that the report may state that a development does not suit all parts of the LDR.

3. Duane Christie of 4803 Sunset Dr may not be the right venue but would like to talk about debris pickup. Mr. Rega stated that debris pickup is not in the LDR. Mr. Christie has a large pile of debris on the lot across the street from his home, it is his mother-in-law's lot. He feels he was given incorrect information; letter was sent to mother in laws home. Debris has been there only two and a half weeks. Allowable pile is 4X4X6. Document with explanation of pickup procedures is on the website and at the front office. Mr. Christie asked if a complaint if filed, could it be anonymous. Ms. Gibson stated she had concern over debris showing up on an empty lot, Ms. Gibson called days after code enforcement spoke with Mr. Christie. Mr. Christie has spoken with public works and arranged pickup of debris. Mr. Palmer stated there are procedures in place that code enforcement must follow. Mr. Robicheaux called for a point of order to get back on topic of agenda.

Regular Agenda

1. Quasi-Judicial Review, all who speak must be sworn in.

Kishawn Patel, on behalf of RudraP Inc., was sworn in. Hotel was formerly the La Brisa Inn, extensive damages from Hurricane Michael, insurance difficulties occurred. Last year and a half have been spent planning for rebuilding. One of the factors in the delay rebuilding was insurance, the other delay was financing of the building. The hotel will be a franchise Choice Hotel. Ownership group has invested 2.2 million in the rebuild, due to structural reports, geo technical reports, demo, contactor, demolition, and security. There will be 90 units on site, will be a reputable hotel in the community, it will create jobs. This hotel will be for tourists, the brand itself will enforce quality standards, it demands consistency in the hotel. Thankful to assistance the city has provided to the rebuilding process. Financing is secured through Trustmark Bank, and extension is in place until it goes to council. They are ready to begin building now. Hotel will be a Quality Inn by Choice Hotels.

Ms. Hutto asked if the current walls that are standing can be used in the rebuilding. Mr. Patel stated MK Weber Structural Engineering stated the walls are sound. Some repair needs to be done, but the property as it sits is worth 1.3 million dollars. Robert Carroll, engineer, has answered all questions sent. Ms. Hutto has concerns about law enforcement issues at La Brisa Inn previously. Mr. Kishawn Patel stated it will be held to a higher standard with the brand hotel. Hotel versus a motel discussed by Mr. Patel. Financial obligation of owner, the flagship will pull the brand if not meeting standards. This will be a family-oriented location. This renovation will be an 8-million-dollar hotel. Wanting this to be a positive in the community.

Mr. Rega asked if it will have internal access to rooms to define it as a hotel. Mr. Patel said there is a lobby but exterior room access, you go through the lobby for check in. The brand itself will monitor and police the hotel standards.

Mr. Stryker stated Florida Statutes define a motel as a public lodging establishment that offers rental units with an exit to the outside of each rental unit. Which makes it different from a hotel. Mr. Patel said there is a practical definition that in our mind makes you think of a motel as al local lodging in, purely a check in and receive a key. We think of the amenities, such as a pool, and service offered. This will have a Choice Hotel standard and not a local independent hotel. There will be a lobby, restaurant, pool, fitness center, and a small meeting space.

Mr. Palmer asked if any structural changes would be needed to accommodate the lobby. Mr. Kishawn Patel said he believed the center would need to be modified. Mr. Jay Patel sworn in. Mr. Jay Patel designed the hotel based on the current shape, the brand hotel looked at safety and security recommendations, it was put together by the architect. The loan itself is tied to the brand and cannot default or lose funding. Reviews on social websites are looked at by the brand. The structure is reviewed and approved to the local codes. The recommendations of drainage and waterflow have been met in the plans.

Mr. Palmer asked if it is a hotel or motel. Mr. Jay Motel said the industry calls it a hotel. A motel is more of a mom-and-pop setting. This hotel will not have a manager living at the hotel.
Mr. Rega said it is in the CRA. The community identified what is acceptable, hotels not motels are acceptable. Certain architectural styles are needed to be met, sidewalks and bike paths required. Parking is being met. Street scape and light scape must be met.
Mr. Jay Patel stated the landscape plan has been submitted.
Discussion as to variance requirement needed from council over hotel versus motel. Hotel will have a lobby, breakfast nook.
Mr. Jay Patel said most hotels in the south have exterior corridors unlike norther hotels, it is not uncommon in the south to have exterior corridors. 25-year rain event will need to be updated to 100-year rain event. Jay Patel acceptable to change. Hotel is at 85% impervious and allowed up to 90% per commercial site. Frustration over the length of time taking to rebuild the destroyed area from planning committee, willing to pull permits in 30 days after permitted per order from magistrate.
Mr. Stryker asked if we look at this from date of submittal of application or as LDR is now.
Mr. Sloan said not vesting rights, look at LDR as of now. Difference of opinion over definition of motel and hotel.
Mr. Robicheaux stated it has been vacant for more than 180 days limit, per section 6.3.1.4 of LDR, which means this development is subject to current LDR. Is in the CRA, Anchor review is silent on this, but no motels are allowed in CRA. Approval depends on hotel or motel and Florida 509.242 states it is a motel. Mr. Robicheaux doesn't feel you can ignore the Florida Statutes. Key distinction allows access from the street. Mr. Robicheaux conducted survey on Facebook and asked, "If you remember the La Brisa Inn on Tyndall Parkway, do you consider it a hotel or motel?" 100% of 39 respondents responded that it's a motel. There exists no national authority to establish a hotel or motel. Some hotel amenities have been added but it is still not controlled access by guests. To make it compliant with LDR section 4-7.5 change to eliminate open access from street to all guests, change to all access past the 24/7 registration desk (completed now) change design for emergency exits for all floors. We can choose to ignore Florida Statutes.
Mr. Rega looked at existing nonconforming developments, and the cause of the abandonment was directly related to the storm. There is precedent in 7.11.1 result of a natural disaster, it specifies 6 months unless a natural disaster. It is open ended delay from a natural disaster. Section 6.3 continuance of non-conforming development, their building had the right to remain in the nonconforming state. Item number 2, they have a right to repair their building, engineer report stated 33% damage at time of occurrence in 2018. Rules show the importance of allowing. Item number 5, under damage and destruction, when substantially damaged, nothing included here within can preclude an owner from replacing the structure in the same footprint. You cannot extend the non-conformity if all other provisions of the LDR are adhered to. This protects their rebuild if all other requirements of the CRA are met. La Brisa took the time to get an independent engineer and it showed 33% damage. Number 8, the non-conforming structure can convert other components to conforming.
Mr. Rega stated our worries are areas of crime in a hotel, they are going to follow all the rules of the CRA. Mr. Jay Patel stated they have experience with these hotels all over Florida. Kishane Patel said this is an 8-million-dollar investment and will not let it deteriorate.
Mr. Rega wished it had interior doors, but section 6.4 protects the rebuilding. Committee would like to see the empty lot improved and will be a positive improvement. Mr. Jay Patel stated it is in the same footprint, losing rooms to accommodate the lobby and breakfast area. Awning is only a canopy, not an additional structure.
Mr. Palmer recognizes the catastrophe of the hurricane; you are going to turn this into a reusable nice looking place. If we deny we could be left with a piece of property for a long time. Gut is a positive net effect, but possibly falls under the particular passages Mark Rega pointed out. Property wasn't abandoned, just not used.

Ms. Hutto remembered police presence needed at former site. Mr. Kishawn Patel stated the investment will not allow that to happen again.

Ms. Hutto asked for the length of contract with Quality Inn. Mr. Kishawn Patel believes 15-year **contract but could be a 20-year contract, he believes 20 years may be more accurate.**

Public Hearing opened at 6:12pm

1. Joe Hofbauer of 5033 Sharon Dr., sworn it, impressed with drainage designs. Stated there is significant contamination around the site from Florida Power and Light in neighboring wells. Robert Carroll, engineer for project, submitted report, no impact on wetlands. Storm system under parking lot A.
2. Jeanette Howard of 1123 E Park feels this is a wonderful project, should not be denied.
3. Pat Fousek of 1344 Stratford Ave, asked about page 5 of the review comments. Pointed out that there may be an error on the setback. Mr. Rega looked at it and feels it meets setbacks. Ms. Fousek also noted that two numbers that did not match were given by Anchor Engineering. Mr. Palmer would like a joint meeting to discuss the lack of attention by the city engineer and concerns.
4. Cameron Fuqua of 621 N 9th Street, sworn in, works with hotels as attorney, strict penalties with this franchise if rules not followed, strict inspections from his personal experiences. Would like to put weight on the opinion of Robert Carrol and MK Weber. The statute of hotel versus motel states "and generally recognized as a motel" but not the question here, this hotel will not be recognized at a motel.

Public Hearing closed at 6:22pm

Mr. Kishane Patel stated no interest in contamination of water wells and will have engineer look it drainage.

Ms. Hutto made a motion to approve the development order for 5711 Business 98 proposed Quality Inn, second by Mr. Robicheaux.

Ms. Hutto – aye
Mr. Palmer – aye
Mr. Robicheaux – aye
Mr. Stryker - aye
Mr. Rega – aye

Mr. Sloan will include standard conditions and report that there is no groundwater contamination in report.

2. Mr. Robicheaux would like to make additional motions. Two changes to the definition's sections.

LDR definitions of hotel and motel, passed out literature written by Mr. Robicheaux. Motion by Mr. Robicheaux withdrawn and will be presented at next meeting.

3. Mr. Robicheaux discussion of manufacturing exclusion in the current LDR. A business such as CB Sails would not be permitted currently. Proposing a change to the Comprehensive Plan section 1.1.1 to include "LTIP" Light Temporary Industrial Privileges. Not wanting to open up all manufacturing but accommodate small desirable manufacturing entities. Proposing to create industrial use district is not a good idea, maybe be able to change the comp plan and attach industrial use to the parcel. The "LTIP" designation could attach to the parcel and the business. Discussion of only allowing industrial use in general commercial, discussions need to continue.

The land use districts could stay, and this would be a privilege to only certain parcels if approved. Mr. Sloan has concern due to the LDR being an objective set of standards that anyone can look at when developing a parcel, individual designations on grandfathered designations would be temporary and limited. Mr. Rega would like to continue discussion to fit all who look at LDR Mr. Robicheaux said this would be limited and temporary. Mr. Sloan has concerns for those who look at LDR and it should be an objective standard. Mr. Rega would like to revisit the definition of manufacturing. Mr. Sloan stated there is an industrial sewage ordinance in effect, one idea could be to not allow industrial sewer waste. Planning would like to add looking at definitions to the next agenda. This is a need perceived of the city, not due to any previous development plans. Ms. Hutto stated we did not know the changes that would come after storm or mill closure.

Mr. Palmer has concern that the arguments made for the LU change create a precedent that will absolutely decimate future planning. Arguments need to come up that cannot propagate. Mr. Rega stated that when a land change comes up, it is due to not being able to build in the current designation, what would be the driving factor? Mr. Palmer stated that there was a commercial portion that could accommodate the size of the building, he did not need a change. Three different designations don't require a land use change. Mr. Rega state that is why they must come to planning. Mr. Rega would like to look at considerations for land use changes. Mr. Robicheaux stated that the land use is in the comprehensive plan, the burden of proof is on the owner, they must offer compelling evidence for the change. Mr. Rega asked what the process should be to consider a land use change. Mr. Palmer presented to council, on one occasion, a proposal for what are the decision makers to go into it, the LDR and comp plan go into it, adjacency is a horrible precedence, that is scary to him. Mr. Palmer will bring back paperwork to show planning member. He recommends a joint meeting with planning commission, council, administrative staff, and front staff, to clear up issues of what you say when they ask your opinion. Mr. Palmer stated there is a process, when a decision is made, a standardized report should go to council listing pros and cons, formalize how we report, that reports value is only as good as the council can trust the process, we use to evaluate these request is a standardized process. Mr. Palmer spoke to the Property Appraisers office to find vacant land; he spoke of comp plan and the evolution of an orderly process to ensure state regulations are being followed. Mr. Palmer would like attorney to present legal obligations in this process to make everyone aware. Mr. Palmer would like a joint meeting, Mr. Rega would like a clear agenda when the joint meeting occurs, would like Mr. Palmer to share his process recommendations with planning. Mr. Palmer will bring information to next meeting, his sole objection is that his desire to formalize how they report to council has been brushed off, if the final decision maker is the council, then we are the discovery process, they should not have to refollow our path. Mr. Rega said they have access to minutes and recordings. Mr. Robicheaux believes there is a statute requiring a standardized report to council along with motion, feels council is too busy to read minutes, Mr. Palmer said the minutes have been useless, except for this last one. Mr. Stryker stated there has to be a standardized form put out by the state. Mr. Robicheaux will look at creating a form. Mr. Sloan stated Quasi- Judicial means the council must create a form when denying a development permit. Mr. Sloan stated that Mr. Robicheaux could come up with a format going forward. Mr. Robicheaux encouraged all members to write down motions before coming to a meeting. Ms. Hutto has concern over meeting once per month and not being able to correct before report goes to council. Mr. palmer would like to discuss process and how they come to a decision. Ms. Hutto asked about Fulcrum and not following development order, Mr. Sloan said the city can do several things, not issue certification of occupancy, stop work order, enjoin them, site by code. EPCI should be doing inspections to regulate.

Mr. Palmer and Mr. Stryker are up for re-appointment, they have both been notified by email and sent the applications. Council would like the applications before June.

Mr. Rega will be out of town for the next meeting, Mr. Palmer will run the meeting in his absence.

Mr. Palmer will send his notes on a formal process to clerk to disseminate to planning committee.

Jami Hinrichs

Jami Hinrichs, City Clerk