

Young, Shaneka

From: Byrne, Betsy L.
Sent: Monday, July 28, 2008 9:15 AM
To: 'Austin G.'
Cc: citycomm
Subject: RE: FAT Tuscan Proposal

Good Morning --

Your e-mail correspondence has been received by the Mayor and is being shared with the entire members of the City Commission. Thank you for taking the time to share your concerns in this matter.

Betsy L. Byrne

*Executive Assistant To the City Commission
Mail Station 19, P.O. Box 490, Gainesville, Florida 32602-0490
Phone (352) 393-8665 | Ext. 5665 | Fax (352) 393-8370
byrnebl@cityofgainesville.org*

Go Gators 

7/28/2008

From: Austin G. [mailto:aus10_g@yahoo.com]
Sent: Saturday, July 26, 2008 8:58 PM
To: citycomm
Subject: FAT Tuscan Proposal

Please find attached a MS Word doucment.

7/28/2008

Young, Shaneka

From: Byrne, Betsy L.
Sent: Monday, July 28, 2008 9:17 AM
To: 'LMcshe2001@aol.com'
Cc: citycomm
Subject: RE: Where is designated parking for FAT TUSCON

Good Morning --

Your e-mail correspondence has been received by the Mayor and is being shared with the entire members of the City Commission. Thank you for taking the time to share your concerns in this matter.

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byrnebl@cityofgainesville.org

Go Gators 

From: LMcshe2001@aol.com [mailto:LMcshe2001@aol.com]
Sent: Monday, July 28, 2008 8:51 AM
To: Poe, Lauren B.; Hanrahan, Pegeen; Hawkins, Jr., Thomas; Mastrodicasa, Jeanna; Henry, Scherwin L.; Donovan, John F. - Commissioner; Lowe, Craig; citycomm
Cc: Byrne, Betsy L.
Subject: Re: Where is designated parking for FAT TUSCON

We would have to walk over a half mile from the parking garage to go to Fat Tuscon.

I found out that this restaurant is not in Gainesville's downtown business area, it is in quiet historic neighborhood with children playing in the streets.

I drove around and around the Duckpond and Pleasant Street neighborhoods to see if there is parking. There is no parking available.

Can anybody change zoning now without offering legitimate parking?

Your vote to approve this zoning change merely creates chaos.

It is not good for business or customers. It shows spite for a quiet historic neighborhood.

December McSherry

In a message dated 7/25/2008 8:27:54 A.M. Eastern Daylight Time, poel@cityofgainesville.org writes:

Ms. McSherry,
 If you reside in the Duckpond or Pleasant Street neighborhoods, the restaurant is only a short stroll or bike ride away. If you do need to drive your automobile, the city has two excellent parking garages

7/28/2008

downtown that are convenient to any downtown location you may wish to visit. Thank you for your support of Gainesville's downtown business climate!

Best,
Lauren

-----Original Message-----

From: LMcshe2001@aol.com [mailto:LMcshe2001@aol.com]

Sent: Thu 7/24/2008 5:52 PM

To: Hanrahan, Pegeen; Hawkins, Jr., Thomas; Mastrodicasa, Jeanna; Henry, Scherwin L.; Poe, Lauren B.; Donovan, John F. - Commissioner; Lowe, Craig; citycomm

Subject: Where is designated parking for FAT TUSCON

Dear Mayor Hanrahan and Gainesville City Commission,

On July 14, 2008, you approved Petition 115LUC-07/112PDV-07PB and changed zoning from Professional Office to Planned Development the Reeve's proposed new restaurant Fat Tuscon. This restaurant adjacent to the historic Duck Pond neighborhood.

If I wish to go to this restaurant in the future, can you please let me know the exact locations where I can park, so that Roam Towing does not tow my car away?

Thank you,

December McSherry

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7/28/2008

Young, Shaneka

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Sent: Monday, July 28, 2008 8:51 AM
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Cc: Byrne, Betsy L.
Subject: Re: Where is designated parking for FAT TUSCON

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Best,
 Lauren

-----Original Message-----

From: LMcshe2001@aol.com [mailto:LMcshe2001@aol.com]
Sent: Thu 7/24/2008 5:52 PM
To: Hanrahan, Pegeen; Hawkins, Jr., Thomas; Mastrodicasa, Jeanna; Henry, Scherwin L.; Poe, Lauren B.; Donovan, John F. - Commissioner; Lowe, Craig; citycomm
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7/28/2008

not tow my car away?

Thank you,

December McSherry

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Young, Shaneka

From: Austin G. [aus10_g@yahoo.com]
Sent: Saturday, July 26, 2008 8:58 PM
To: citycomm
Subject: FAT Tuscan Proposal
Attachments: Fat Tuscan 072608.doc

Please find attached a MS Word document.

7/28/2008

July 26th, 2008

TO: The City of Gainesville, City Commission
FROM: Austin Gregg, NE Historic District resident
RE: Petition 112PDV-07PB and related 115LUC-07PB (café located in office/residential zone)

At the outset of the January meeting on this issue I left city hall with a newfound understanding of what certain folks deem “elitism in government.” It seemed to me that all of the logical, well-thought out ideas showing the defects of this proposed zoning change were simply ignored by the city commission, who didn’t even have the courtesy to consider them on their merits. And whereas the voices in favor of this issue were given unlimited time to make their case, those against it – the people who stand to be most negatively impacted by this ill-conceived proposal, were limited to 180 seconds of rebuttal time. This doesn’t strike me to be much of a democracy.

The bottom line is that the plan this over-idealistic city commission has wholeheartedly embraced, is bad for my neighborhood – and every other place like it in this city. It will have a negative impact on the value of our property, quality of life, and will cause traffic and parking in the area to be even worse than it already is. This restaurant will generate excess noise, and set a bad precedence for every neighborhood in the city with a similar buffer zone. Frankly you need to step back from your own agenda and listen to the people you serve... least we end up in a “Feiber House” type situation again.

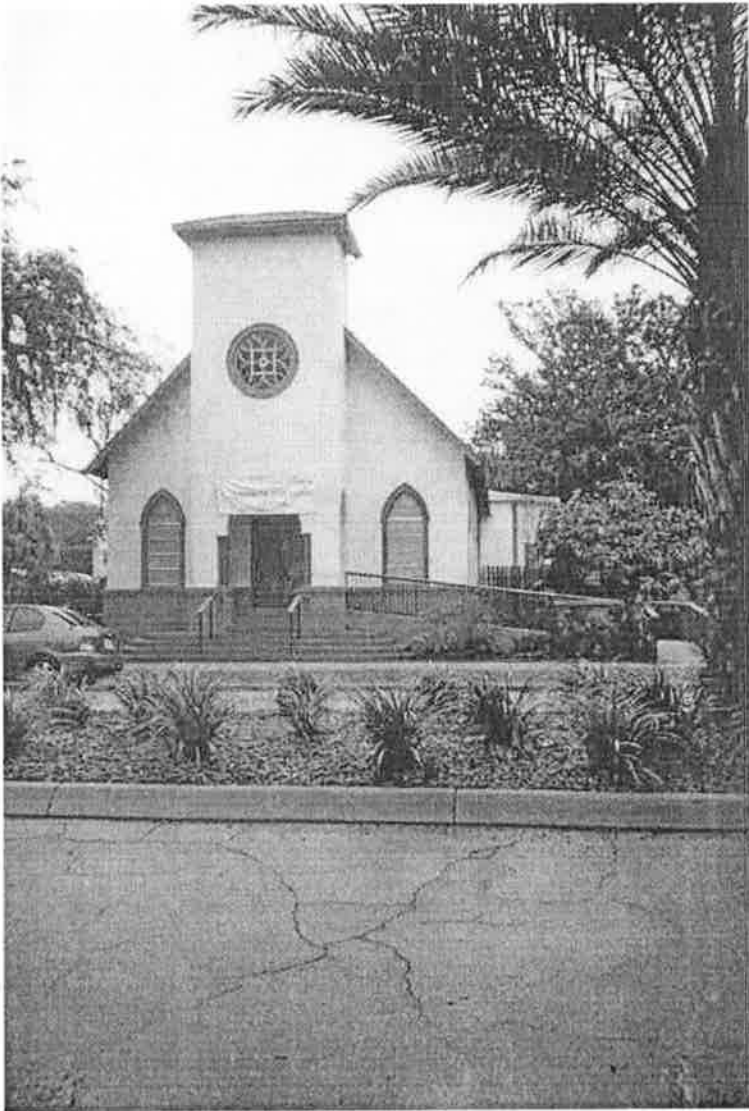
So once again, here are some compelling reasons to not pass this zoning change:

- If approved these zoning changes will set a precedent that will open the door to the commercial development of NE 1st Street (between University Avenue and NE 8th Avenue). If Fat Tuscan is permitted the city will have no legal recourse to refuse other such enterprises along this street. What kind of Pandora’s Box are you opening? **(Update: I understand the church in picture 2 below is now being considered for a restaurant.)**
- In the words of a senior city planning staff member, this zoning modification “will change things.” Meaning, of course, that once one such commercial enterprise is permitted on NE 1st Street others will follow. The precedence will have been established, be irreversible, contentious, and no doubt spawn litigation.
- Future commercial enterprises on NE 1st Street might not be as seemingly quaint and supposedly “neighborhood-oriented” as Fat Tuscan. Who is to say a beer-drinking establishment catering to college students couldn’t open up on the street? How about a seafood restaurant? (See photos on following pages.)
- Fat Tuscan will inevitably contribute to the parking woes residents already face on NE 2nd and NE 3rd Streets (between NE 7th Ave. and NE 8th Ave). Parking on these two streets is virtually a free-for-all, with illegally parked cars being the norm rather than the exception. (See photos.)

- Available parking on NE 2nd Street between NE 7th Avenue and NE 8th Avenue already is insufficient, and furthermore has just been significantly reduced by the city. I count 10 spaces now left – and they are usually all taken. This means the overflow from residents AND Fat Tuscan customers will bleed over to NE 3rd St. **(Update: Lack of parking on NE 2nd Street is now so bad that illegal parking, including that habitually perpetrated by official city vehicles, is endemic.)**
- Why doesn't the city mandate a traffic and parking study for these petitions?
- Traffic on NE 8th Avenue is going to get much worse as the result of the new super-duper Wal-Mart on Waldo Road. People trying to enter the parking lot of Jay Reeves & Associates (to visit Fat Tuscan) will cause hazardous traffic situations in an already tricky area to navigate. You should have the Public Works department investigate this.
- Why did the Plan board go against the recommendations of city staff to limit this commercial operation?
 - They approved a doubling of the seating capacity
 - They extended the operating hours
 - They removed provisions to protect the neighborhood from noise generated by Fat Tuscan
 - Have any of you tried to resolve noise issues through GPD or codes enforcement lately? It is an agonizing process that usually does not work.
- If, According to Jay Reeves, “making money is not a primary consideration” of Fat Tuscan what then is the real purpose of this operation? To enhance the value of the property by way of this rezoning?
- If these two petitions are approved, the City of Gainesville should include language that revokes the commercial zoning for this property should Fat Tuscan fail or the property be sold. (By way of approving this rezoning, is the city not arbitrarily increasing the value of this property? Is this fair to the other property owners on the street? Is this not quite an incentive for all of them to seek such rezoning?) Having a clause to remove the exception might deter further commercial development of NE 1st Street.



Future seafood restaurant? Remember this is the venue that offers grilled seafood during the Spring Arts Festival. Who is to say the owner wouldn't want to expand? If Fat Tuscan is approved, what will stop them?



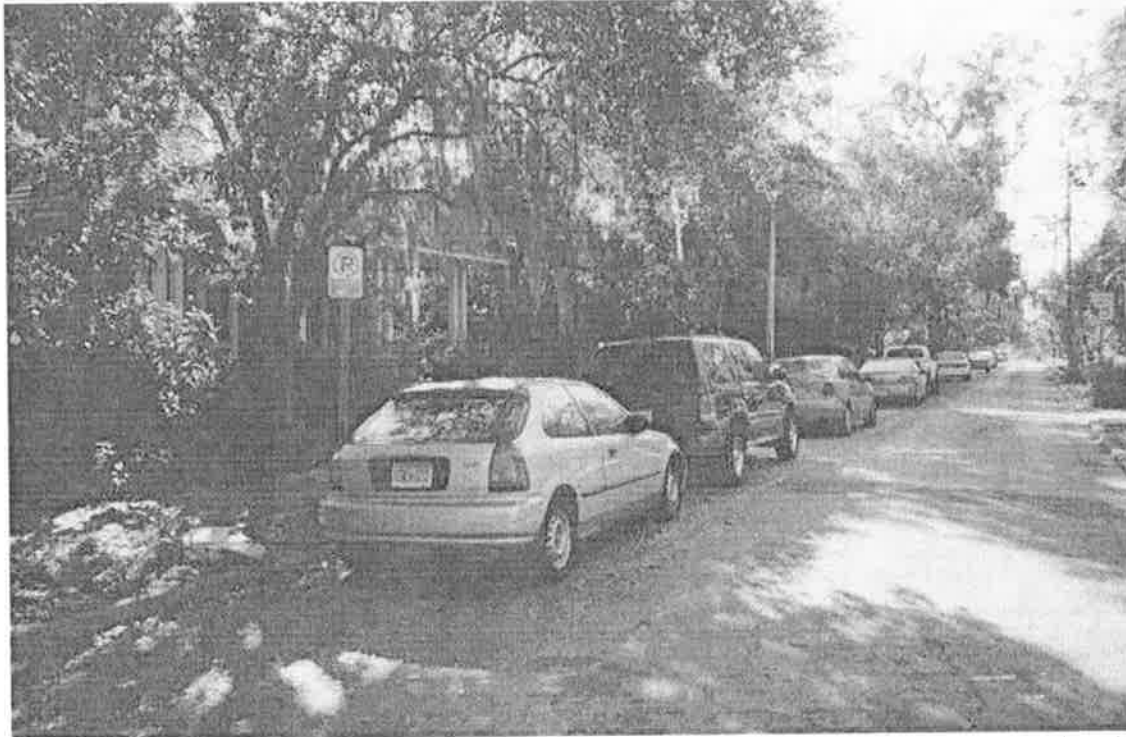
Future nightclub? This property has hosted several different venues over the past few years. If Fat Tuscan is approved would the city legally be able to say no?



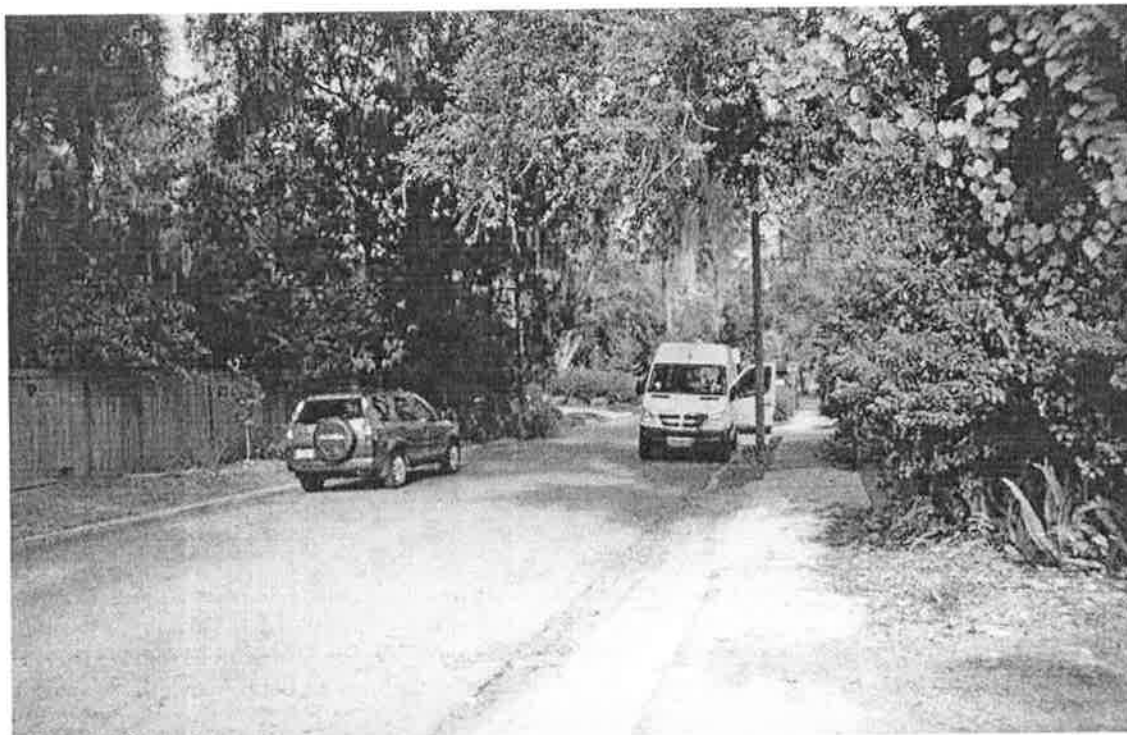
SFCC's Spring Arts House: Future arts and crafts retail outlet? With commercial ventures like Fat Tuscan allowed on NE 1st street how could the city deny the request? And if they did, how long do you suppose it would take before a law suit was filed?



Typical parking scene on NE 3rd St. Cars can park on each side of the street, and often do so illegally. Four of the cars in this picture are parked facing traffic... Fat Tuscan will only contribute to this mess.



Typical daily scene on NE 2nd Street. Note the car in the foreground is illegally parked - a situation that makes the turn off of NE 8th Ave. hazardous. Note the number of cars on the street – and yet the city recently removed at least 3 spaces. No parking is allowed on the west side of the street. If 50% of Fat Tuscan’s tables are filled by customers who drive there will be 15 more cars looking to park on NE 2nd Street.



NE 3rd Street. Traffic laws in the City of Gainesville? Who cares. Both vehicles are parked facing traffic leaving only a narrow gap to navigate – usually at hazardous speed. Imagine the impact if just 25% of the cars from Fat Tuscan contributed to this situation.

Young, Shaneka

From: Brown, Neomia B.
Sent: Friday, July 25, 2008 10:38 AM
To: 'JASlib@cs.com'
Cc: citycomm
Subject: RE: Petition 070818

Good Morning Mr. Schmid,

Your e-mail correspondence has been received by the Mayor and members of the City Commission. Thank you for voicing your concerns in this matter.

*Neomia Brown
Executive Assistant to the City Commission*

From: JASlib@cs.com [mailto:JASlib@cs.com]
Sent: Friday, July 25, 2008 6:36 AM
To: citycomm
Subject: Fwd: Petition 070818

Mayor and Commissioners,
See once again the email I sent before your previous meeting. I understand that this is on your agenda on July 26. I was disappointed by the lack of substantive discussion previously regarding the quite negative impacts of this proposal on the adjacent residential neighborhood. Please do the right thing and reject this bad proposal.
Joe Schmid

7/28/2008

Young, Shaneka

From: JASlib@cs.com
Sent: Friday, July 25, 2008 6:36 AM
To: citycomm
Subject: Fwd: Petition 070818
Attachments: Petition 070818

Mayor and Commissioners,
See once again the email I sent before your previous meeting. I understand that this is on your agenda on July 26. I was disappointed by the lack of substantive discussion previously regarding the quite negative impacts of this proposal on the adjacent residential neighborhood. Please do the right thing and reject this bad proposal.
Joe Schmid

7/28/2008

Young, Shaneka

From: JASlib@cs.com
Sent: Friday, July 11, 2008 4:37 PM
To: citycomm
Subject: Petition 070818

Mayor and Commissioners,

I urge you to reject Petition 070818 (Fat Tuscan), which would improperly put a restaurant next to a thriving residential area.

I lived on the block behind the proposed property for 3 years in the early 1990s and am quite familiar with this area. The obvious problem is that this 'downtown' restaurant is not a destination most downtown employees will walk to--they and others will drive there and will have to park on the surrounding roads (1st street fills up early with office workers), including my old street--2nd. I would not want to live on 2nd Street if it were turned into a parking lot for this business, which is what will happen if you pass this petition.

The offices along 1st Street have provided a suitable and non-intrusive buffer between the understandably more intensely commercial Main Street and the quiet residential area of the Duckpond. This proposal represents a very unsuitable and indeed intrusive violation of this buffer and the neighborhood. Regardless of what restrictions you put on the property now, it will negatively affect the residential neighborhood with noise and parking. Although for now it is proposed as a daytime business, I can see the future of it being a dinner restaurant and then others in the Duckpond buffer and elsewhere seeking the same special treatment. And then we all will see for sale signs along 2nd and in other impacted areas.

I remember the Feiber House fiasco many years ago, not far away from this property. This smells quite similar.

Do the right thing and reject this petition.

Joe Schmid
1735 NW 7th Place

7/28/2008

Young, Shaneka

From: Byrne, Betsy L.
Sent: Friday, July 25, 2008 8:09 AM
To: 'LMcshe2001@aol.com'
Cc: citycomm; citymgr
Subject: RE: Where is designated parking for FAT TUSCON

Good Morning --

Your e-mail has been received by the Mayor and members of the Commission and is being shared with the City Manager. Thank you for taking the time to voice your concerns.

Betsy L. Byrne

*Executive Assistant To the City Commission
 Mail Station 19, P.O. Box 490, Gainesville, Florida 32602-0490
 Phone (352) 393-8665 | Ext. 5665 | Fax (352) 393-8370
byrnebl@cityofgainesville.org*

Go Gators 

From: LMcshe2001@aol.com [mailto:LMcshe2001@aol.com]
Sent: Thursday, July 24, 2008 5:53 PM
To: Hanrahan, Pegeen; Hawkins, Jr., Thomas; Mastrodicasa, Jeanna; Henry, Scherwin L.; Poe, Lauren B.; Donovan, John F. - Commissioner; Lowe, Craig; citycomm
Subject: Where is designated parking for FAT TUSCON

Dear Mayor Hanrahan and Gainesville City Commission,

On July 14, 2008, you approved Petition 115LUC-07/112PDV-07PB and changed zoning from Professional Office to Planned Development the Reeve's proposed new restaurant Fat Tuscon. This restaurant adjacent to the historic Duck Pond neighborhood.

If I wish to go to this restaurant in the future, can you please let me know the exact locations where I can park, so that Roam Towing does not tow my car away?

Thank you,

December McSherry

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7/28/2008

Young, Shaneka

From: LMcshe2001@aol.com

Sent: Thursday, July 24, 2008 5:53 PM

To: Hanrahan, Pegeen; Hawkins, Jr., Thomas; Mastrodicasa, Jeanna; Henry, Scherwin L.; Poe, Lauren B.; Donovan, John F. - Commissioner; Lowe, Craig; citycomm

Subject: Where is designated parking for FAT TUSCON

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Thank you,

December McSherry

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7/28/2008

Young, Shaneka

From: Byrne, Betsy L.
Sent: Thursday, July 24, 2008 3:57 PM
To: 'Karen Orr'
Cc: citycomm; citymgr
Subject: RE: Petitions 115LUC-07/112PDV-07PB (Fat Tuscan): Please reverse your vote

Good Afternoon Ms. Orr -

Your e-mail correspondence has been received by the Mayor and is being shared with the entire members of the City Commission as well as the City Manager. Thank you for taking the time to voice your concerns.

Betsy L. Byrne

*Executive Assistant To the City Commission
Mail Station 19, P.O. Box 490, Gainesville, Florida 32602-0490
Phone (352) 393-8665 | Ext. 5665 | Fax (352) 393-8370
byrnebl@cityofgainesville.org*



From: Karen Orr [mailto:thibeau48@bellsouth.net]
Sent: Thursday, July 24, 2008 3:51 PM
To: citycomm
Subject: Petitions 115LUC-07/112PDV-07PB (Fat Tuscan): Please reverse your vote

Dear Mayor Hanrahan and Gainesville City Commissioners:

Please reverse your votes on Petitions 115LUC-07/112PDV-07PB (Fat Tuscan).

Please review our objections as affected parties to imposing noise and commercial activity upon us in our home.

Yours truly,

Karen Orr
Dick Stokes

715 NE 2nd Street
Gainesville, Florida 32601
372-8712

Dear Mayor Hanrahan and Gainesville City Commissioners:

I am an affected homeowner within 400 feet of the proposed zoning change on the City Commission agenda tonight, Monday, July 14th.

Please reject the Petition 115LUC-07 PB and Petition 112PDV-07PB (Fat Tuscan) that allows commercial activity incompatible with my residential neighborhood. The current historic zoning is appropriate and protective.

The petitioner does not provide parking for customers in his proposed business venture. The petitioner plans to utilize the adjacent residential neighborhood for his commercial parking.

This is not in compliance with Sec. 30-213 (3) of the PD zoning:

"Specialized compatability. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies."

Sec 30-216 (30) Internal Compatibility.

...no use may have an undue adverse impact on neighboring use (motor vehicle circulation...

(4) No use may have any avoidable or undue adverse impact on existing or planned use.

(10) Sufficient off-street and on-street parking for bicycles and other vehicles, as well as cars shall be provided."

The City of Tampa has appropriately allowed restaurants in old houses on major thoroughfares that have become entirely commercial. Those Tampa restaurants provide on site parking for their customers. They are not abusing the adjacent residential neighborhoods with commercial parking as is proposed by the Petition 115LUC-07 PB and Petition 112PDV-07PB (Fat Tuscan).

On the other hand, Key West Commissioners ignored pleas from the Bahama Village Neighborhood residents and permitted a restaurant (My Blue Heaven) in this neighborhood without restaurant parking facilities. Because they have no where else to park, the restaurant's customers have turned the Bahama Village Neighborhood into a commercial parking lot.

7/28/2008

The My Blue Heaven owners pay lip service to the misery they have inflicted on this neighborhood on their blog (see below).

In tiny Key West practically everything is within walking and biking distance yet Blue Heaven's customers still arrive at the restaurant by car and park them in the residential neighborhood.

Please vote to protect the Duckpond Neighborhood from commercial intrusion. Reject Petition 115LUC-07 PB and Petition 112PDV-07PB.

Yours truly,

Richard Stokes
28 year Duckpond Neighborhood resident

<http://blueheavenbacktalk.blogspot.com/2007/07/walk-or-bike-to-blue-heaven.html>

The parking in our wonderful neighborhood, Bahama Village, is very limited. How limited? Our neighbors have asked us to request our guests to WALK or BIKE or MOPED or TAXI to Blue Heaven. (There is plenty of space for bicycles and motor-scooters!)

All in all, the island of Key West is approximately 2 miles by 4.5 miles, so actually walking most anywhere to and fro on the island is "do-able." However, considering 90% of our guests stay within a 1-mile radius of Blue Heaven, and that we are centrally located (two blocks off of the 700-800 block of Duval Street, at the corner of Thomas and Petronia) and that walking gives everyone the opportunity to experience the best part of Key West island life - that is, the pace - what is "do-able" becomes "worth doing." Plus, it's environmentally practical! As such, we have begun an outreach to our friends and family to walk or bike when heading to Blue Heaven.

If you have any questions, here is [a map of our location](#). OR give us a call at 305-296-8666, and we'll be happy to help everyone figure out the best and most enjoyable way possible to get to Blue Heaven. *posted by blueheaven @ 1:23 PM*

----- Original Message -----

Subject:Reject Petitions 115LUC-07/112PDV-07PB (Fat Tuscan)

Date:Mon, 14 Jul 2008 10:19:56 -0400

From:Karen Orr <thibeau48@bellsouth.net>

To:CityComm@CityofGainesville.org

CC:HanrahanP@cityofgainesville.org, hawkinswt@cityofgainesville.org, mastrodij@cityofgainesville.org, henrysl@cityofgainesville.org, poel@cityofgainesville.org, DonovanJF@cityofgainesville.org, LoweSC@cityofgainesville.org

References:<487A9E90.7040100@bellsouth.net>

Regarding Rezoning/Comp Plan Change Petitions 115LUC-07/112PDV-07PB (Fat Tuscan)

Dear Mayor Hanrahan and City Commissioners:

For most people, their home is their biggest financial investment.

As I'm sure all of you are aware, real estate appraisal standards always adjust downward to allow for commercial enterprises abutting residences. That is a fact.

Please vote to protect our homes and property values. Reject Petitions 115LUC-07/112PDV-07PB.

Yours truly,

Karen Orr
28 year resident

7/28/2008

Duckpond Neighborhood

----- Original Message -----

Subject:"Fat Tuscan:" Deny Petition 115LUC- 07 PB/ Petition 112PDV- 07 PB

Date:Sun, 13 Jul 2008 20:32:16 -0400

From:Karen Orr <thibeau48@bellsouth.net>

To:HanrahanP@cityofgainesville.org, hawkinswt@cityofgainesville.org, mastrodij@cityofgainesville.org,
henrysl@cityofgainesville.org, poel@cityofgainesville.org, DonovanJF@cityofgainesville.org,
LoweSC@cityofgainesville.org

Regarding Petition 115LUC- 07 PB and Petition 112PDV- 07 PB – Petition to rezone house at 725 NE 1st Street from office use to restaurant ("Fat Tuscan") without parking.

We are affected property owners whose home is within 400 feet of this property. We strenuously object to this petition.

Dear Mayor Hanrahan and Gainesville City Commissioners:

We urge you to reject Petition 070818 ("Fat Tuscan") to rezone the house at 725 NE 2nd Street for restaurant use without parking.

The offices along NE 1st Street have served as an adequate buffer from the commercial activity of Main Street for the nearly 30 years we've lived in our home at 715 NE 2nd Street. The low impact/low activity zoning of NE 1st Street that has been in place for years is appropriate and protective of our historic, residential neighborhood.

To change that zoning for commercial use, in this case for a restaurant with no parking facilities, will bring noise, traffic, intrusive commercial activity, and extreme parking problems to my residential street and in front of my home.

The petitioner's claim that his restaurant customers will arrive by bicycle or foot is ludicrous.

It's perfectly obvious that the vast majority of restaurant customers will arrive by car just as they do for other restaurants in Gainesville. There's nothing unique about this proposal. There will be no strictly enforced rule that prevents customers from driving to this restaurant.

Since the petitioner's proposed restaurant does not provide parking, the customers will park on residential streets closest to the restaurant -- my street, NE 2nd Street, and NE 3rd Street. There are no other nearby places for them to park. When customers cannot find nearby parking spots on NE 2nd and 3rd Streets, they'll circle and circle our residential blocks until they find them.

There's no reason to give these petitioners a special exemption that will degrade the quality of life of those who've invested their lives and capital in their homes in this residential neighborhood.

The current zoning is the contract we homeowners have with the City. I urge you not to break this contract. Reject this petition

Yours truly,

Karen Orr-Stokes
Dick Stokes

Please see January 2008 letters of objection below.

Karen Orr
715 NE 2nd Street
Gainesville, Florida 32601

January 31, 2008

7/28/2008

Gainesville City Commissioners
200 E. University Avenue
Gainesville, Florida 32601

Subject: Petition 115LUC- 07 PB and Petition 112PDV- 07 PB – Petition to rezone house at 725 NE 1st Street from office use to restaurant without parking.

Dear Mayor Hanrahan and Gainesville City Commissioners:

My husband, Dick Stokes, sent the Gainesville City Commission the enclosed letter via e-mail on January 27th.

The letter is regarding the petition to rezone the house at 725 NE 1st Street from office use to a restaurant without parking.

I have made copies of this letter for each of you because based on your comments and your votes on Monday night, I am certain that you had not had time to read this letter before the meeting, nor were you given the relevant information about this proposed project during the presentations.

My husband Dick and I and I have been residents of Gainesville for over 30 years. For 28 years we have been residents of the Duckpond Neighborhood, owning the property at 715 NE 2nd Street, one of the properties that would be adversely affected if this proposed restaurant rezoning occurs.

I will enumerate some of the reasons for rejecting this restaurant petition that Dick noted in his letter to you on January 27th.

The petition violates the zoning contract between the city and its citizens.

The proposed restaurant provides no parking for customers.

It severely degrades the existing buffer between residential and commercial areas.

It establishes a dangerous precedent for future unwelcome changes in the area - the property is not unique.

The restaurant customers will use residents' street parking on NE 2nd Street and NE 3rd Street as NE 1st Street parking is taken during the day.

It will create more traffic and parking problems in an area already plagued by both.

It will create noise from customer's parking, slamming car doors, etc. in front of residences 6 days a week, all day long.

It will create noisy clatter within nearby adjacent residences.

It requires the city and the adjacent taxpaying residents to subsidize the restaurant by giving the owner access to an already scarce resource - our residential street parking

The Feiber house zoning change from residential to office use was reversed by the State Department of Community Affairs, costing the City of Gainesville hundreds of thousands of dollars and residents of the Duckpond Neighborhood over \$50,000

I don't know why the city commissioners were not apprised of the fact that this proposed restaurant provides no parking for customers before your vote.

The lack of parking was not noted in the staff presentation and the Plan Board Petitions in the meeting agenda, nor did any of the commissioners appear to have been apprised of this parking problem for the neighbors on the adjacent residential street by any source.

While the proposed restaurant is repeatedly promoted as pedestrian oriented, the petitioners cannot enforce that and they have absolutely no control over the transportation used by customers. The vast majority of the customers will arrive by automobile just as they do to most restaurants in Gainesville.

7/28/2008

The petitioner claimed that he has parking in our lot and on our street. The very small parking area at 725 NE 1st Street is filled with cars all day from the architect office. The public parking along NE 1st Street is full all day from the offices along the street.

The only available nearby parking is on residential NE 2nd Street - in front of my home - and on NE 3rd Street. There is no place else for customers to park

The parking spaces along NE 2nd and 3rd are for the people who live here and their visitors. To have them taken away from us for this intrusive commercial venture is insupportable.

There were several statements made during the petitioner's presentation on Monday night that are not true.

The petitioner stated that he had the support of all the neighboring residents. The petitioner is well aware of the objections raised regarding this restaurant proposal based on the increase in noise, traffic on our residential streets and our residential parking taken over for commercial use.

The petitioner also said that he had not contemplated serving alcohol but since this is an Italian restaurant..... leaving the door open for applying for a liquor license. This is contrary to the petitioner's presentation at a neighborhood meeting where he promised that he would not serve alcohol.

Two residents in properties adjacent to the proposed restaurant were approached by the petitioner and they stated before the Plan Board that they had no objection to the project. This needs to be put in perspective.

The small house directly behind the proposed restaurant (approximately 15-20 feet from the outdoor seating) is occupied by a young couple, two police officers, who have lived there less than a year.

Whether the residents are owners or renters, this house has changed hands every one or two years for the last twenty years or so. When the current occupants leave, it's likely that the house will return to a revolving door rental and remain so if there is restaurant seating 15-20 feet from the living and sleeping areas.

The other adjacent resident who told the Plan Board he had no objection to the restaurant proposal is a student age renter who lives in the front apartment of a house converted into three apartment units. The tenant has no stake in the neighborhood.

Many of us have worked hard over years to restore and remodel our old houses in the hope of having a good life in this residential neighborhood. If this restaurant project goes forward, it will force dedicated, long time neighbors to move. Those who stay will see their property values and quality of life decline.

Since the commission has clearly been unaware of most of this information, I urge you to reconsider your vote. Please deny this rezoning petition on 2nd reading.

My husband and I are affected parties. I ask that each of you contact me by e-mail or telephone to let me know that you have read our objections to Petition 115LUC- 07 PB and Petition 112PDV- 07 PB - petitions to rezone the house at 725 NE 1st Street for a restaurant without parking.

Yours truly,

Karen Orr
372-8712
thibeau48@bellsouth.net

Enclosures

Dick Stokes
715 NE 2nd Street
Gainesville, Florida 32601
Phone: (352) 372-8712
Email: rastokes@atlantic.net
Fax: (352) 375-3927

7/28/2008

January 27, 2008

Subject: Petition 115LUC- 07 PB and Petition 112PDV- 07 PB – Petition to rezone property at 725 NE 1st Street

Dear Mayor Hanrahan and Gainesville City Commissioners:

My wife and I have been residents of Gainesville for 30 years. For over 27 years we have been residents of the Duckpond Neighborhood, owning the property at 715 NE 2nd Street, one of the properties that would be adversely affected if the above petition is granted.

There are numerous compelling reasons for rejecting this petition including:

It violates the zoning contract between the city and its citizens.

It severely degrades the existing buffer between residential and commercial areas.

It establishes a dangerous precedent for future unwelcome changes in the area.

The proposed restaurant provides no parking for customers.

The restaurant customers will use residents' street parking on NE 2nd Street and NE 3rd Street as

NE 1st Street parking is taken between 9 am to 5 pm.

It will create more traffic and parking problems in an area already plagued by both.

It will create noise from customer's parking, slamming car doors, etc. in front of residences 6 days a week, from 7 am to 4 pm

It will create noisy clatter within a few feet of adjacent residences.

It requires the city and the adjacent taxpaying residents to subsidize a restaurant by giving the owner access to an already scarce resource - residential street parking

It violates the zoning contract between the city and its citizens.

Zoning and land use regulations are a contract between the city and its citizens. Citizens have a right to expect that these will not be changed without some compelling reason such as the greater good of the community. This project falls far short of that standard. The residents who purchased properties adjacent or nearby did so with the knowledge that the house at 725 NE 1st Street was used as an office, not a restaurant. Making such a change devalues their property and deprives them of the peaceful enjoyment of their home.

It severely degrades the existing buffer between residential and commercial areas.

The offices along NE 1st Street between NE 8th Avenue and NE 2nd Avenue provide an effective buffer between the historic residences to the east and the commercial establishments on Main Street to the west. Generally speaking, the on street parking for these offices is adequate. Furthermore, their daily operation creates relatively light traffic and little noise. Introducing a restaurant at the proposed location would destroy this buffer.

It establishes a dangerous precedent for future unwelcome changes in the area.

Residents of the Duckpond Neighborhood have fought long and hard to preserve the character of our neighborhood. Granting this petition would not only degrade that character, but would establish a dangerous precedent for future petitions for even more inappropriate changes.

Some of you might recall that a few years ago the Plan Board and the City approved a zoning change for a house then known as the Feiber property, located at the intersection of NE 2nd Avenue and NE 1st Street, just north of City Hall. This zoning change was reversed by the State Department of Community Affairs, costing the City of Gainesville hundreds of thousands of dollars and residents of the Duckpond Neighborhood over \$50,000.

The Duckpond neighbors fought hard to retain residential status for the Feiber property because they knew that if that house became zoned for office use, the next petition could call for more intrusive, intensive commercial use, such as a restaurant.

It will create more traffic and parking problems in an area already plagued by both.

The on street parking on NE 1st Street is generally adequate for the offices during the day now - but just barely. Traffic and parking do become a problem around 5:00 with drivers leaving the central city and parents picking up children at the day care

7/28/2008

center in the 600 block of 1st Street. In the evenings special events at the Methodist Church and the Savannah Grande often fill every available street parking space.

In the 600 and 700 blocks of NE 2nd Street and the 700 block of NE 3rd Street parking is already a frequent problem. Scattered among the single family properties are several multi-family buildings. Only a few of these multi-family parcels (houses converted to apartments) have adequate on site parking for their residents. The others depend on street parking for both residents and their guests. On weekends, especially, every space is often occupied. When a wedding or other special event at the Thomas Center creates spill over problems, desperate residents often park on what little lawn is available.

The petitioner cannot and has no plans to provide adequate on site parking at his proposed restaurant. By making this request he is asking the city and the adjacent taxpaying residents to subsidize his business by giving him access to an already scarce public resource.

It will create noisy clatter within a few feet of adjacent residences

The proposed restaurant will have outdoor seating for its smoking patrons. Even normally quiet customers will talk louder to be heard above the den of traffic on 8th Avenue. Add to this the clatter of dishes and glassware and occasional loud laughter which will invade the adjacent residences and beyond. Special outdoor evening events with intrusive entertainment can occur.

There is no need for a restaurant at this location

Located just 8 blocks to the south and west of the property are Panache, Phil-Nicks, The Top and Harvest Thyme. Only a few blocks further there are literally dozens of restaurants in the central city, an area far better suited for the traffic, parking and noise created by such an establishment.

Two blocks to the north and west there is Celebrations. Four blocks in the same direction there are the café at the Tutoring Zone and Juniors, both within the Gainesville Shopping Center. Traveling just 8 to 10 blocks north of the property we find Second Street Bakery, Buddha Belly, Dominos, Popeye's, The Plaza and others. Again, all of these establishments are located in areas far better suited for the traffic, parking and noise.

Finally, the petitioner promotes his proposed restaurant as "pedestrian oriented." The petitioner has no control whatever over how the restaurant customers arrive.

There is no compelling public need for this restaurant project. Who among you would vote to create such a situation within 20 feet of your bedroom or living room? It is wrong to destroy the peaceful enjoyment of even one resident for a project that is forbidden by existing code.

I trust you will agree that approval of this petition can not be justified and that you will vote unanimously to reject it. To approve such a request would be unconscionable.

Sincerely,

Dick Stokes

City Commission Agenda, Page 27

[http://legistar.cityofgainesville.org/meetings/2008/7/8592_A_City_Commission_08-07-14_Meeting_Agenda_\(Long\).pdf](http://legistar.cityofgainesville.org/meetings/2008/7/8592_A_City_Commission_08-07-14_Meeting_Agenda_(Long).pdf)

ORDINANCES FIRST READING - ROLL CALL REQUIRED
 070819. PLANNED DEVELOPMENT REZONING - FAT TUSCAN (B)
 Ordinance No. 0-08-05; Petition 112PDV-07 PB
 An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "OR: 20 units/acre office residential district" to "PD: Planned Development District"; located in the vicinity of 725 Northeast 1st Street; commonly known as "Fat Tuscan Planned Development"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.

7/28/2008

PLANNING DEPARTMENT STAFF REPORT

The purpose of this PD zoning overlay is to allow for the creation of a small, pedestrian oriented neighborhood café in an office/residential (OR) zoning district having an office (O) land use designation. The neighborhood café will be established within a portion of the first floor of an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. The existing structure is located within the Northeast Residential Historic District and the Traditional City special area. The

Explanation:

Page 28 Printed on 7/ 9/08 at 3:34 pm City of Gainesville

Meeting Agenda July 14, 2008 City Commission

Traditional City designation has been established for this area to improve the sense of place and community; improve the environment for business, including smaller, locally owned businesses; and facilitate a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity.

The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood sidewalks/streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.

The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and would provide an eatery within a short walking distance of many offices and residences. The petitioner indicates that the scale of the eatery will be small providing a total of no more than 30 seats. The total of 30 seats will be divided between the interior of the building and a new courtyard plaza area to be installed in the rear of the lot. The courtyard will provide seating in a garden like setting complete with water features and extensive landscaping.

This Petition is related to Petition 115 LUC-07 PB.

After notice was published in the Gainesville Sun on October 31, 2007, the Plan Board held a public hearing on November 15, 2007, and by a vote of 7-0 recommended the City Commission approve the petition.

After notice, the City Commission heard and approved the Petition by a vote of 7-0 at its meeting on January 28, 2008.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 28, 2008 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Fat Tuscan Planned Development" within the City of Gainesville.

This Ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on July 28, 2008.

The City Commission adopt the proposed ordinance. RECOMMENDATION
Legislative History

Approved (Petition) as revised by the City Plan Board,
as amended (7 - 0)

City Commission 1/28/08

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070819B_200801281300.pdf

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070819C_200801281300.pdf

070819_200807141300.pdf

Page 29 Printed on 7/ 9/08 at 3:34 pm City of Gainesville

Meeting Agenda July 14, 2008 City Commission
070818. PLANNED USE DISTRICT - FAT TUSCAN (B)
Ordinance No. 0-08-04; Petition 115LUC-07 PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property located in the vicinity of 725 Northeast 1st Street, as more specifically described in this ordinance, with the underlying reversionary future land use category of "Office"; providing a severability

clause; providing a repealing clause; and providing an effective date.

PLANNING DEPARTMENT STAFF REPORT

The purpose of this PUD land use proposal is to allow a small, pedestrian oriented neighborhood café. The neighborhood café will be established within an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. In addition, the building's owners are currently in the final stages of restoration of the historic building. The existing structure is located within the Northeast Residential Historic District and also within a special overlay design area known as the Traditional City Special Area Plan. The Traditional City designation has been established to improve the sense of place and community; and to strike a balance between the needs of the car and pedestrian by creating a pleasant ambiance and human scaled features.

The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.

The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and will provide an eatery within a short walking distance of the many offices, and residences, and will be across the street from a multi-family building. The scale of the eatery will be small providing a total of no more than 30 seats divided between the interior of the building and a new courtyard area to the rear of the lot. The courtyard will provide seating in a garden setting complete with a water feature and extensive landscaping.

The proposed use also requires a rezoning from OR (office residential - up to 20 du/ac) to PD (planned development). And thus, this petition is related to Petition 112PDV-07PB.

After notice in the Gainesville Sun on October 31, 2007, the Plan Board at its meeting on November 15, 2007, heard the Petition, and by a vote of 7-0, recommended the City Commission approve the petition with staff conditions as modified. The City Commission heard and approved the petition by a vote of 7-0 at its meeting on January 28, 2008.

CITY ATTORNEY MEMORANDUM

Explanation:

Page 27 Printed on 7/ 9/08 at 3:34 pm City of Gainesville
Meeting Agenda July 14, 2008 City Commission

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

The City Commission adopt the proposed ordinance. **RECOMMENDATION**

Legislative History

Approved (Petition) as revised by the City Plan Board,
as amended (7 - 0)

City Commission 1/28/08

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070818_200807141300.pdf

ORDINANCES FIRST READING - ROLL CALL REQUIRED

7/28/2008

Young, Shaneka

From: Karen Orr [thibeau48@bellsouth.net]
Sent: Thursday, July 24, 2008 3:51 PM
To: citycomm
Subject: Petitions 115LUC-07/112PDV-07PB (Fat Tuscan): Please reverse your vote

Dear Mayor Hanrahan and Gainesville City Commissioners:

Please reverse your votes on Petitions 115LUC-07/112PDV-07PB (Fat Tuscan).

Please review our objections as affected parties to imposing noise and commercial activity upon us in our home.

Yours truly,

Karen Orr
Dick Stokes

715 NE 2nd Street
Gainesville, Florida 32601
372-8712

Dear Mayor Hanrahan and Gainesville City Commissioners:

I am an affected homeowner within 400 feet of the proposed zoning change on the City Commission agenda tonight, Monday, July 14th.

Please reject the Petition 115LUC-07 PB and Petition 112PDV-07PB (Fat Tuscan) that allows commercial activity incompatible with my residential neighborhood. The current historic zoning is appropriate and protective.

The petitioner does not provide parking for customers in his proposed business venture. The petitioner plans to utilize the adjacent residential neighborhood for his commercial parking.

This is not in compliance with Sec. 30-213 (3) of the PD zoning:

"Specialized compatability. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies."

Sec 30-216 (30) Internal Compatibility.

...no use may have an undue adverse impact on neighboring use (motor vehicle circulation...

(4) No use may have any avoidable or undue adverse impact on existing or planned use.

(10) Sufficient off-street and on-street parking for bicycles and other vehicles, as well as cars shall be provided."

The City of Tampa has appropriately allowed restaurants in old houses on major thoroughfares that have become entirely commercial. Those Tampa restaurants provide on site parking for their customers. They are not abusing the adjacent residential neighborhoods with commercial parking as is proposed by the Petition 115LUC-07 PB and Petition 112PDV-07PB (Fat Tuscan).

On the other hand, Key West Commissioners ignored pleas from the Bahama Village Neighborhood residents and permitted a restaurant (My Blue Heaven) in this neighborhood without restaurant parking facilities. Because they have no where else to park, the restaurant's customers have turned the Bahama

7/28/2008

Village Neighborhood into a commercial parking lot.

The My Blue Heaven owners pay lip service to the misery they have inflicted on this neighborhood on their blog (see below).

In tiny Key West practically everything is within walking and biking distance yet Blue Heaven's customers still arrive at the restaurant by car and park them in the residential neighborhood.

Please vote to protect the Duckpond Neighborhood from commercial intrusion. Reject Petition 115LUC-07 PB and Petition 112PDV-07PB.

Yours truly,

**Richard Stokes
28 year Duckpond Neighborhood resident**

<http://blueheavenbacktalk.blogspot.com/2007/07/walk-or-bike-to-blue-heaven.html>

The parking in our wonderful neighborhood, Bahama Village, is very limited. How limited? Our neighbors have asked us to request our guests to WALK or BIKE or MOPED or TAXI to Blue Heaven. (There is plenty of space for bicycles and motor-scooters!)

All in all, the island of Key West is approximately 2 miles by 4.5 miles, so actually walking most anywhere to and fro on the island is "do-able." However, considering 90% of our guests stay within a 1-mile radius of Blue Heaven, and that we are centrally located (two blocks off of the 700-800 block of Duval Street, at the corner of Thomas and Petronia) and that walking gives everyone the opportunity to experience the best part of Key West island life - that is, the pace - what is "do-able" becomes "worth doing." Plus, it's environmentally practical! As such, we have begun an outreach to our friends and family to walk or bike when heading to Blue Heaven.

If you have any questions, here is a [map of our location](#). OR give us a call at 305-296-8666, and we'll be happy to help everyone figure out the best and most enjoyable way possible to get to Blue Heaven. *posted by blueheaven @ 1:23 PM*

----- Original Message -----

Subject:Reject Petitions 115LUC-07/112PDV-07PB (Fat Tuscan)

Date:Mon, 14 Jul 2008 10:19:56 -0400

From:Karen Orr <thibeau48@bellsouth.net>

To:CityComm@CityofGainesville.org

CC:HanrahanP@cityofgainesville.org, hawkinswt@cityofgainesville.org, mastrodij@cityofgainesville.org, henrysl@cityofgainesville.org, poel@cityofgainesville.org, DonovanJF@cityofgainesville.org, LoweSC@cityofgainesville.org

References:<487A9E90.7040100@bellsouth.net>

Regarding Rezoning/Comp Plan Change Petitions 115LUC-07/112PDV-07PB (Fat Tuscan)

Dear Mayor Hanrahan and City Commissioners:

For most people, their home is their biggest financial investment.

As I'm sure all of you are aware, real estate appraisal standards always adjust downward to allow for commercial enterprises abutting residences. That is a fact.

Please vote to protect our homes and property values. Reject Petitions 115LUC-07/112PDV-07PB.

Yours truly,

Karen Orr
28 year resident

7/28/2008

Duckpond Neighborhood

----- Original Message -----

Subject:"Fat Tuscan:" Deny Petition 115LUC- 07 PB/ Petition 112PDV- 07 PB

Date:Sun, 13 Jul 2008 20:32:16 -0400

From:Karen Orr <thibeau48@bellsouth.net>

To:HanrahanP@cityofgainesville.org, hawkinswt@cityofgainesville.org, mastrodij@cityofgainesville.org,
henrysl@cityofgainesville.org, poel@cityofgainesville.org, DonovanJF@cityofgainesville.org,
LoweSC@cityofgainesville.org

Regarding Petition 115LUC- 07 PB and Petition 112PDV- 07 PB – Petition to rezone house at 725 NE 1st Street from office use to restaurant ("Fat Tuscan") without parking.

We are affected property owners whose home is within 400 feet of this property. We strenuously object to this petition.

Dear Mayor Hanrahan and Gainesville City Commissioners:

We urge you to reject Petition 070818 ("Fat Tuscan") to rezone the house at 725 NE 2nd Street for restaurant use without parking.

The offices along NE 1st Street have served as an adequate buffer from the commercial activity of Main Street for the nearly 30 years we've lived in our home at 715 NE 2nd Street. The low impact/low activity zoning of NE 1st Street that has been in place for years is appropriate and protective of our historic, residential neighborhood.

To change that zoning for commercial use, in this case for a restaurant with no parking facilities, will bring noise, traffic, intrusive commercial activity, and extreme parking problems to my residential street and in front of my home.

The petitioner's claim that his restaurant customers will arrive by bicycle or foot is ludicrous.

It's perfectly obvious that the vast majority of restaurant customers will arrive by car just as they do for other restaurants in Gainesville. There's nothing unique about this proposal. There will be no strictly enforced rule that prevents customers from driving to this restaurant.

Since the petitioner's proposed restaurant does not provide parking, the customers will park on residential streets closest to the restaurant -- my street, NE 2nd Street, and NE 3rd Street. There are no other nearby places for them to park. When customers cannot find nearby parking spots on NE 2nd and 3rd Streets, they'll circle and circle our residential blocks until they find them.

There's no reason to give these petitioners a special exemption that will degrade the quality of life of those who've invested their lives and capital in their homes in this residential neighborhood.

The current zoning is the contract we homeowners have with the City. I urge you not to break this contract. Reject this petition

Yours truly,

Karen Orr-Stokes
Dick Stokes

Please see January 2008 letters of objection below.

Karen Orr
715 NE 2nd Street

7/28/2008

Gainesville, Florida 32601

January 31, 2008

Gainesville City Commissioners
200 E. University Avenue
Gainesville, Florida 32601

Subject: Petition 115LUC- 07 PB and Petition 112PDV- 07 PB – Petition to rezone house at 725 NE 1st Street from office use to restaurant without parking.

Dear Mayor Hanrahan and Gainesville City Commissioners:

My husband, Dick Stokes, sent the Gainesville City Commission the enclosed letter via e-mail on January 27th.

The letter is regarding the petition to rezone the house at 725 NE 1st Street from office use to a restaurant without parking.

I have made copies of this letter for each of you because based on your comments and your votes on Monday night, I am certain that you had not had time to read this letter before the meeting, nor were you given the relevant information about this proposed project during the presentations.

My husband Dick and I and I have been residents of Gainesville for over 30 years. For 28 years we have been residents of the Duckpond Neighborhood, owning the property at 715 NE 2nd Street, one of the properties that would be adversely affected if this proposed restaurant rezoning occurs.

I will enumerate some of the reasons for rejecting this restaurant petition that Dick noted in his letter to you on January 27th.

The petition violates the zoning contract between the city and its citizens.

The proposed restaurant provides no parking for customers.

It severely degrades the existing buffer between residential and commercial areas.

It establishes a dangerous precedent for future unwelcome changes in the area - the property is not unique.

The restaurant customers will use residents' street parking on NE 2nd Street and NE 3rd Street as NE 1st Street parking is taken during the day.

It will create more traffic and parking problems in an area already plagued by both.

It will create noise from customer's parking, slamming car doors, etc. in front of residences 6 days a week, all day long.

It will create noisy clatter within nearby adjacent residences.

It requires the city and the adjacent taxpaying residents to subsidize the restaurant by giving the owner access to an already scarce resource - our residential street parking

The Feiber house zoning change from residential to office use was reversed by the State Department of Community Affairs, costing the City of Gainesville hundreds of thousands of dollars and residents of the Duckpond Neighborhood over \$50,000

I don't know why the city commissioners were not apprised of the fact that this proposed restaurant provides no parking for customers before your vote.

The lack of parking was not noted in the staff presentation and the Plan Board Petitions in the meeting agenda, nor did any of the commissioners appear to have been apprised of this parking problem for the neighbors on the adjacent residential street by any source.

7/28/2008

While the proposed restaurant is repeatedly promoted as pedestrian oriented, the petitioners cannot enforce that and they have absolutely no control over the transportation used by customers. The vast majority of the customers will arrive by automobile just as they do to most restaurants in Gainesville.

The petitioner claimed that he has parking in our lot and on our street. The very small parking area at 725 NE 1st Street is filled with cars all day from the architect office. The public parking along NE 1st Street is full all day from the offices along the street.

The only available nearby parking is on residential NE 2nd Street - in front of my home - and on NE 3rd Street. There is no place else for customers to park

The parking spaces along NE 2nd and 3rd are for the people who live here and their visitors. To have them taken away from us for this intrusive commercial venture is insupportable.

There were several statements made during the petitioner's presentation on Monday night that are not true.

The petitioner stated that he had the support of all the neighboring residents. The petitioner is well aware of the objections raised regarding this restaurant proposal based on the increase in noise, traffic on our residential streets and our residential parking taken over for commercial use.

The petitioner also said that he had not contemplated serving alcohol but since this is an Italian restaurant..... leaving the door open for applying for a liquor license. This is contrary to the petitioner's presentation at a neighborhood meeting where he promised that he would not serve alcohol.

Two residents in properties adjacent to the proposed restaurant were approached by the petitioner and they stated before the Plan Board that they had no objection to the project. This needs to be put in perspective.

The small house directly behind the proposed restaurant (approximately 15-20 feet from the outdoor seating) is occupied by a young couple, two police officers, who have lived there less than a year.

Whether the residents are owners or renters, this house has changed hands every one or two years for the last twenty years or so. When the current occupants leave, it's likely that the house will return to a revolving door rental and remain so if there is restaurant seating 15-20 feet from the living and sleeping areas.

The other adjacent resident who told the Plan Board he had no objection to the restaurant proposal is a student age renter who lives in the front apartment of a house converted into three apartment units. The tenant has no stake in the neighborhood.

Many of us have worked hard over years to restore and remodel our old houses in the hope of having a good life in this residential neighborhood. If this restaurant project goes forward, it will force dedicated, long time neighbors to move. Those who stay will see their property values and quality of life decline.

Since the commission has clearly been unaware of most of this information, I urge you to reconsider your vote. Please deny this rezoning petition on 2nd reading.

My husband and I are affected parties. I ask that each of you contact me by e-mail or telephone to let me know that you have read our objections to Petition 115LUC- 07 PB and Petition 112PDV- 07 PB - petitions to rezone the house at 725 NE 1st Street for a restaurant without parking.

Yours truly,

Karen Orr
372-8712
thibeau48@bellsouth.net

Enclosures

Dick Stokes
715 NE 2nd Street
Gainesville, Florida 32601

7/28/2008

Phone: (352) 372-8712
 Email: rastokes@atlantic.net
 Fax: (352) 375-3927

January 27, 2008

Subject: Petition 115LUC- 07 PB and Petition 112PDV- 07 PB – Petition to rezone property at 725 NE 1st Street

Dear Mayor Hanrahan and Gainesville City Commissioners:

My wife and I have been residents of Gainesville for 30 years. For over 27 years we have been residents of the Duckpond Neighborhood, owning the property at 715 NE 2nd Street, one of the properties that would be adversely affected if the above petition is granted.

There are numerous compelling reasons for rejecting this petition including:

- It violates the zoning contract between the city and its citizens.
- It severely degrades the existing buffer between residential and commercial areas.
- It establishes a dangerous precedent for future unwelcome changes in the area.
- The proposed restaurant provides no parking for customers.
- The restaurant customers will use residents' street parking on NE 2nd Street and NE 3rd Street as NE 1st Street parking is taken between 9 am to 5 pm.
- It will create more traffic and parking problems in an area already plagued by both.
- It will create noise from customer's parking, slamming car doors, etc. in front of residences 6 days a week, from 7 am to 4 pm
- It will create noisy clatter within a few feet of adjacent residences.
- It requires the city and the adjacent taxpaying residents to subsidize a restaurant by giving the owner access to an already scarce resource - residential street parking

It violates the zoning contract between the city and its citizens.

Zoning and land use regulations are a contract between the city and its citizens. Citizens have a right to expect that these will not be changed without some compelling reason such as the greater good of the community. This project falls far short of that standard. The residents who purchased properties adjacent or nearby did so with the knowledge that the house at 725 NE 1st Street was used as an office, not a restaurant. Making such a change devalues their property and deprives them of the peaceful enjoyment of their home.

It severely degrades the existing buffer between residential and commercial areas.

The offices along NE 1st Street between NE 8th Avenue and NE 2nd Avenue provide an effective buffer between the historic residences to the east and the commercial establishments on Main Street to the west. Generally speaking, the on street parking for these offices is adequate. Furthermore, their daily operation creates relatively light traffic and little noise. Introducing a restaurant at the proposed location would destroy this buffer.

It establishes a dangerous precedent for future unwelcome changes in the area.

Residents of the Duckpond Neighborhood have fought long and hard to preserve the character of our neighborhood. Granting this petition would not only degrade that character, but would establish a dangerous precedent for future petitions for even more inappropriate changes.

Some of you might recall that a few years ago the Plan Board and the City approved a zoning change for a house then known as the Feiber property, located at the intersection of NE 2nd Avenue and NE 1st Street, just north of City Hall. This zoning change was reversed by the State Department of Community Affairs, costing the City of Gainesville hundreds of thousands of dollars and residents of the Duckpond Neighborhood over \$50,000.

The Duckpond neighbors fought hard to retain residential status for the Feiber property because they knew that if that house became zoned for office use, the next petition could call for more intrusive, intensive commercial use, such as a restaurant.

It will create more traffic and parking problems in an area already plagued by both.

7/28/2008

The on street parking on NE 1st Street is generally adequate for the offices during the day now - but just barely. Traffic and parking do become a problem around 5:00 with drivers leaving the central city and parents picking up children at the day care center in the 600 block of 1st Street. In the evenings special events at the Methodist Church and the Savannah Grande often fill every available street parking space.

In the 600 and 700 blocks of NE 2nd Street and the 700 block of NE 3rd Street parking is already a frequent problem. Scattered among the single family properties are several multi-family buildings. Only a few of these multi-family parcels (houses converted to apartments) have adequate on site parking for their residents. The others depend on street parking for both residents and their guests. On weekends, especially, every space is often occupied. When a wedding or other special event at the Thomas Center creates spill over problems, desperate residents often park on what little lawn is available.

The petitioner cannot and has no plans to provide adequate on site parking at his proposed restaurant. By making this request he is asking the city and the adjacent taxpaying residents to subsidize his business by giving him access to an already scarce public resource.

It will create noisy clatter within a few feet of adjacent residences

The proposed restaurant will have outdoor seating for its smoking patrons. Even normally quiet customers will talk louder to be heard above the den of traffic on 8th Avenue. Add to this the clatter of dishes and glassware and occasional loud laughter which will invade the adjacent residences and beyond. Special outdoor evening events with intrusive entertainment can occur.

There is no need for a restaurant at this location

Located just 8 blocks to the south and west of the property are Panache, Phil-Nicks, The Top and Harvest Thyme. Only a few blocks further there are literally dozens of restaurants in the central city, an area far better suited for the traffic, parking and noise created by such an establishment.

Two blocks to the north and west there is Celebrations. Four blocks in the same direction there are the café at the Tutoring Zone and Juniors, both within the Gainesville Shopping Center. Traveling just 8 to 10 blocks north of the property we find Second Street Bakery, Buddha Belly, Dominos, Popeye's, The Plaza and others. Again, all of these establishments are located in areas far better suited for the traffic, parking and noise.

Finally, the petitioner promotes his proposed restaurant as "pedestrian oriented." The petitioner has no control whatever over how the restaurant customers arrive.

There is no compelling public need for this restaurant project. Who among you would vote to create such a situation within 20 feet of your bedroom or living room? It is wrong to destroy the peaceful enjoyment of even one resident for a project that is forbidden by existing code.

I trust you will agree that approval of this petition can not be justified and that you will vote unanimously to reject it. To approve such a request would be unconscionable.

Sincerely,

Dick Stokes

City Commission Agenda, Page 27

[http://legistar.cityofgainesville.org/meetings/2008/7/8592_A_City_Commission_08-07-14_Meeting_Agenda_\(Long\).pdf](http://legistar.cityofgainesville.org/meetings/2008/7/8592_A_City_Commission_08-07-14_Meeting_Agenda_(Long).pdf)

ORDINANCES FIRST READING - ROLL CALL REQUIRED
 070819. PLANNED DEVELOPMENT REZONING - FAT TUSCAN (B)
 Ordinance No. 0-08-05; Petition 112PDV-07 PB
 An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "OR: 20 units/acre office residential district" to "PD: Planned Development District"; located in the vicinity of 725 Northeast 1st Street; commonly known as "Fat Tuscan Planned

7/28/2008

Development"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.

PLANNING DEPARTMENT STAFF REPORT

The purpose of this PD zoning overlay is to allow for the creation of a small, pedestrian oriented neighborhood café in an office/residential (OR) zoning district having an office (O) land use designation. The neighborhood café will be established within a portion of the first floor of an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. The existing structure is located within the Northeast Residential Historic District and the Traditional City special area. The Explanation:

Page 28 Printed on 7/ 9/08 at 3:34 pm City of Gainesville
Meeting Agenda July 14, 2008 City Commission

Traditional City designation has been established for this area to improve the sense of place and community; improve the environment for business, including smaller, locally owned businesses; and facilitate a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity.

The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood sidewalks/streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.

The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and would provide an eatery within a short walking distance of many offices and residences. The petitioner indicates that the scale of the eatery will be small providing a total of no more than 30 seats. The total of 30 seats will be divided between the interior of the building and a new courtyard plaza area to be installed in the rear of the lot. The courtyard will provide seating in a garden like setting complete with water features and extensive landscaping.

This Petition is related to Petition 115 LUC-07 PB.

After notice was published in the Gainesville Sun on October 31, 2007, the Plan Board held a public hearing on November 15, 2007, and by a vote of 7-0 recommended the City Commission approve the petition.

After notice, the City Commission heard and approved the Petition by a vote of 7-0 at its meeting on January 28, 2008.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 28, 2008 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Fat Tuscan Planned Development" within the City of Gainesville.

This Ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on July 28, 2008.

The City Commission adopt the proposed ordinance. RECOMMENDATION

Legislative History

Approved (Petition) as revised by the City Plan Board,
as amended (7 - 0)

City Commission 1/28/08

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Page 29 Printed on 7/ 9/08 at 3:34 pm City of Gainesville

Meeting Agenda July 14, 2008 City Commission

070818. PLANNED USE DISTRICT - FAT TUSCAN (B)

Ordinance No. 0-08-04; Petition 115LUC-07 PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District"

7/28/2008

category over certain property located in the vicinity of 725 Northeast 1st Street, as more specifically described in this ordinance, with the underlying reversionary future land use category of "Office"; providing a severability clause; providing a repealing clause; and providing an effective date.

PLANNING DEPARTMENT STAFF REPORT

The purpose of this PUD land use proposal is to allow a small, pedestrian oriented neighborhood café. The neighborhood café will be established within an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. In addition, the building's owners are currently in the final stages of restoration of the historic building. The existing structure is located within the Northeast Residential Historic District and also within a special overlay design area known as the Traditional City Special Area Plan. The Traditional City designation has been established to improve the sense of place and community; and to strike a balance between the needs of the car and pedestrian by creating a pleasant ambiance and human scaled features.

The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.

The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and will provide an eatery within a short walking distance of the many offices, and residences, and will be across the street from a multi-family building. The scale of the eatery will be small providing a total of no more than 30 seats divided between the interior of the building and a new courtyard area to the rear of the lot. The courtyard will provide seating in a garden setting complete with a water feature and extensive landscaping.

The proposed use also requires a rezoning from OR (office residential - up to 20 du/ac) to PD (planned development). And thus, this petition is related to Petition 112PDV-07PB.

After notice in the Gainesville Sun on October 31, 2007, the Plan Board at its meeting on November 15, 2007, heard the Petition, and by a vote of 7-0, recommended the City Commission approve the petition with staff conditions as modified. The City Commission heard and approved the petition by a vote of 7-0 at its meeting on January 28, 2008.

CITY ATTORNEY MEMORANDUM

Explanation:

Page 27 Printed on 7/ 9/08 at 3:34 pm City of Gainesville
Meeting Agenda July 14, 2008 City Commission

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

The City Commission adopt the proposed ordinance. **RECOMMENDATION**

Legislative History

Approved (Petition) as revised by the City Plan Board,
as amended (7 - 0)

City Commission 1/28/08

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ORDINANCES FIRST READING - ROLL CALL REQUIRED