

1002295



APPLICATION—CITY PLAN BOARD
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PB 10-69 PDA</u>	Fee: \$ <u>1237.25</u>
1 st Step Mtg Date: _____	EZ Fee: \$ <u>668.63</u>
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 []	
Account No. 001-670-6710-1124 (Enterprise Zone) [<input checked="" type="checkbox"/>]	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) [<input checked="" type="checkbox"/>]	

Owner(s) of Record (please print)
Name: <u>JAY & MICHELLE REEVES</u>
Address: <u>305 N.E. 5th AVE</u> <u>GAINESVILLE FL 32601</u>
Phone: <u>371-3205</u> Fax: <u>505-5639</u>
(Additional owners may be listed at end of applic.)

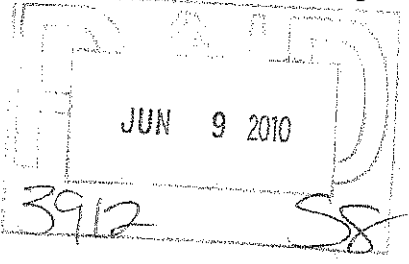
Applicant(s)/Agent(s), if different
Name: _____
Address: _____
Phone: _____ Fax: _____

Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.

REQUEST		
Check applicable request(s) below:		
Future Land Use Map []	Zoning Map [<input checked="" type="checkbox"/>]	Master Flood Control Map []
Present designation: <u>OFFICE</u>	Present designation: <u>PD</u>	Other [] Specify: _____
Requested designation: _____	Requested designation: _____	<u>AMMEND PD - TEXT CHG.</u>

INFORMATION ON PROPERTY	
1. Street address: <u>725 N.E. 1st STREET</u>	
2. Map no(s): _____	
3. Tax parcel no(s): <u>14126 - 000 - 000</u>	
4. Size of property: <u>.23</u> acre(s)	
All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more must be accompanied by a market analysis report.	

Certified Cashier's Receipt:



5. Legal description (attach as separate document, using the following guidelines):
- a. Submit on 8 1/2 x 11 in. sheet of paper, separate from any other information.
 - b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
 - c. Must correctly describe the property being submitted for the petition.
 - d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book I, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES (NOTE: All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.)

A. What are the existing surrounding land uses?

North GROUP HOME - "GAINESVILLE HOUSING AUTHORITY"

South PROFESSIONAL OFFICE

East SINGLE FAMILY / MULTI-FAMILY

West PROFESSIONAL OFFICE

B. Are there other properties or vacant buildings within 1/2 mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO

YES

If yes, please explain why the other properties cannot accommodate the proposed use?

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets NONE

Noise and lighting NONE

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO YES _____ (If yes, please explain below)

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO _____ YES

b. Property with archaeological resources deemed significant by the State?

NO YES _____

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment

Activity Center _____

Strip Commercial _____

Urban Infill _____

Urban Fringe _____

Traditional Neighborhood _____

Explanation of how the proposed development will contribute to the community.

PROVIDES A WALKABLE FOOD ESTABLISHMENT WITH HISTORIC CHARACTER, SUPPORTS DOWNTOWN REDEVELOPMENT.

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

LONG TERM ECONOMIC BENEFITS CONSISTS OF CREATING JOBS AND ENCOURAGING FURTHER INVESTMENT AND REDEVELOPMENT IN AREA.

H. What impact will the proposed change have on level of service standards?

Roadways MINIMAL - EXISTING PD ALLOWS BREAKFAST/LUNCH - SHIFTING TO LUNCH - LIMITED DINNER.

Recreation NONE

Water and Wastewater NONE

Solid Waste NONE

Mass Transit NONE

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO

YES (please explain)

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CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	JAMES D. REEVES, JR.
Address:	305 N.E. 5th Ave GAINESVILLE, FLORIDA 32601
Phone:	371-3205 Fax: 505-5689
Signature:	<i>James D. Reeves Jr.</i>

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	Michelle M. REEVES
Address:	305 N.E. 5th Ave GAINESVILLE FL. 32601
Phone:	371-3205 Fax: 505-5689
Signature:	<i>Michelle M. Reeves</i>

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

Michelle M. Reeves
Owner/Agent Signature

JUNE 9, 2010
Date

STATE OF FLORIDA
COUNTY OF Alachua

Sworn to and subscribed before me this 9 day of June 2010 by (Name)

Angelina M. Hyde
Signature of Notary Public

Personally Known OR Produced Identification _____ (Type)

NOTARY PUBLIC-STATE OF FLORIDA
Angelina M. Hyde
Commission # DD582467
Expires: SEP 13, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

Amendment Language to the Ordinance:

No. 070819

0-08-05

Petition No. 112PDV-07PB

PD Zoning for : The Fat Tuscan Neighborhood Café

Property Description: The North 100 Feet of the West 106 feet of Block 6, Brush's Addition to Gainesville, a Subdivision as per plat hereof, recorded in Deed Book "O", Page 218, of the Public Recors of Alachua County, Florida

Language Amendments to:

Page 4 Only of the Original PD

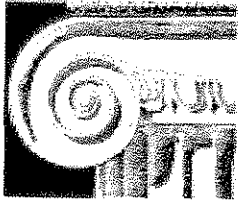
June 28, 2010

- 2nd submission by petitioner with suggested changes from City Staff members.*
- Amended from 1st Submission to include more restrictive hours during the week as well as limits on outdoor music.*

2. At the time of the application for development plan review, the owner/developer shall file an application for Certificate of Final Concurrency with the City.
3. The development plan must comply with all relevant Transportation Concurrency. Exception Area(TCEA) requirements in the Concurrency Management Element of the Comprehensive Plan.
4. The permitted uses by right in the planned development shall be limited to professional office use (~~only those office uses within SIC Industry Groups 801, 802, 803, 804 and Major Groups 81 and 87~~) or residential use (~~up to 20 du/ac, provided the density does not exceed two times the average permitted density of adjacent residential districts~~); *as permitted in the original OR Zoning as* principal uses, and an eating place as an accessory use.
5. ~~The eating place shall not prepare on-site fried or barbequed foods,~~
6. All cooking and food preparation for the eating place shall be conducted indoors.
7. ~~The indoor hours of operation of the eating place shall be limited to 7 a.m. until 4 p.m., Monday through Saturday. The outdoor hours of operation of the eating place shall be limited to 9 a.m. until 4 p.m., Monday through Saturday 6 a.m. to 10 p.m. 7 days a week. Limited to; open to the Public from the hours of 6:30 am until 10:30 pm Monday through Saturday and limited to Sunday hours of open to the public consisting of 8am to 5pm.~~ Solid waste collection/pickup shall not take place prior to 9 a.m., Monday through Saturday, with no pickup on Sunday.
8. The eating place shall be limited to a maximum of ~~30~~ 70 seats, ~~inclusive of indoor and outdoor seats.~~
9. ~~No music or amplified sound of any type or nature shall be played or broadcast Outside of the walls of a fully enclosed building.~~ *All uses of the Outside enclosed courtyard shall adhere to the City of Gainesville's Noise Ordinance, Chapter 15 of the Code of Ordinances. No amplified music shall be broadcaste outside the walls of the fully enclosed building on Sundays.*

1002295

JAY REEVES & ASSOCIATES, INC.



ARCHITECTS AND DESIGNERS

725 NORTHEAST 1ST STREET

GAINESVILLE, FLORIDA 32601

WWW.JAYREEVES.COM

PHONE 352.371.3205

FAX 352.505.5689

Planning Department
Thomas Center
City of Gainesville

June 9th, 2010

The Fat Tuscan Café, Jay & Michelle Reeves, are requesting a amendment to PD Ordinance No. **070819**. The 2008 PD ordinance originally allowed the accessory use of the Café at the property located at 725 N.E. 1st Street, Gainesville.

The revisions are necessary to correct a mistake that narrowly restricted the underlying OR Office Residential Uses without the applicants knowledge, and to allow adjustments in business hours, seating counts, food restrictions and use of the courtyard, hours and Music.

The proposed changes are all located on page 4 of the ordinance under restrictions. The changes are required due to development of the business, challenging economic conditions, and requests of patrons.

The following is a brief description of the need for revision of the following sections.

Section 4

We only recently discovered that the added SIC coding limited the type of uses as the primary use, this was not what we agreed to, did not appear in any staff comments and was added after our approvals, and we were not copied until the ordinance was signed off.

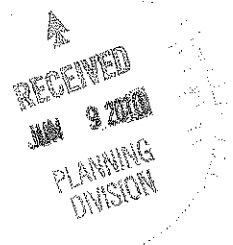
Section 5

The limits on type of food are unnecessarily restrictive; outdoors cooking is restricted under section 6.

Section 7

Breakfast service was unsuccessful, lunch is successful, limited day dinner hours were tried and very successful, Thursday, Friday, Saturday only. We have had request to open on Sunday, but do not plan to at this time, we may do a bakery in the future so keeping the morning hours may prove beneficial. Prior to code enforcement the hours were 11 a.m. to

4 p.m. M-W, 11 a.m. to 10 pm Thursday & Friday, Saturday 11 a.m. to 4 p.m.. And candlelight dinners last Saturday night each month 7 p.m. till 10 p.m..



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Section 8

We were limited to thirty seats total, but we are an indoor/ outdoor establishment totally dependent on day-to-day and seasonal weather. We need double this number because at any one time only half is typically in use, a fifteen-seat café is not feasible, we have operated with 62 for 1 year seven months and that seems to be the right number.

Section 9

We have tried Acoustic music in the courtyard with minimal voice amplification with no complaints from surrounding neighbors, to the delight of the patrons. The one complaint was for amplified guitar, we are not requesting that.

Thank you for your consideration on these amendments.

Michelle & Jay Reeves

1002295

Amendment Language to the Ordinance:

No. 070819

0-08-05

Petition No.

112PDV-07PB

PD Zoning for :

The Fat Tuscan Neighborhood Café

Property Description:

The North 100 Feet of the West 106 feet of Block 6,
Brush's Addition to Gainesville, a Subdivision as per plat
hereof, recorded in Deed Book "O", Page 218, of the
Public Recors of Alachua County, Florida

Language Amendments to:

Page 4 Only of the Original PD

- 1 2. At the time of the application for development plan review, the owner/developer
2 shall file an application for Certificate of Final Concurrency with the City.
- 3 3. The development plan must comply with all relevant Transportation Concurrency,
4 Exception Area(TCEA) requirements in the Concurrency Management Element of
5 the Comprehensive Plan.
- 6 4. The permitted uses by right in the planned development shall be limited to
7 professional office use (~~only those office uses within SIC Industry Groups 801,~~
8 ~~802, 803, 804 and Major Groups 81 and 87)~~ or residential use (~~up to 20~~
9 ~~du/ac, provided the density does not exceed two times the average permitted~~
10 ~~density of adjacent residential districts~~); *permitted in the original OR Zoning as*
11 principal uses, and an eating place as an accessory use.
- 12 5. ~~The eating place shall not prepare on site fried or barbequed foods,~~
- 13 6. All cooking and food preparation for the eating place shall be conducted indoors.
- 14 7. ~~The indoor hours of operation of the eating place shall be limited to 7 a.m. until 4~~
15 ~~p.m., Monday through Saturday. The outdoor hours of operation of the eating place~~
16 ~~shall be limited to 9 a.m. until 4 p.m., Monday through Saturday 6 a.m. to 10 p.m. 7~~
17 ~~days a week.~~ *open to the Public from the hours of 6 am until 11 pm 7 days a week.*
- 18 Solid waste collection/pickup shall not take place prior to 9 a.m., Monday through
19 Saturday, with no pickup on Sunday.
- 20 8. The eating place shall be limited to a maximum of ~~30~~ *70* seats, ~~inclusive of~~
21 ~~indoor and outdoor seats.~~
- 22 9. ~~No music or amplified sound of any type or nature shall be played or broadcast~~
23 ~~Outside of the walls of a fully enclosed building.~~
- 24 *All uses of the Outside enclosed courtyard shall adhere to the City*
25 *of Gainesville's Noise Ordinance, Chapter 15 of the Code of Ordinances.*

ORDINANCE NO. 070819
0-08-05

1
2
3
4
5 An Ordinance of the City of Gainesville, Florida; rezoning
6 certain lands within the City, as more specifically
7 described in this ordinance, and amending the Zoning
8 Map Atlas from "OR: 20 units/acre office residential
9 district" to "PD: Planned Development District"; located
10 in the vicinity of 725 Northeast 1st Street; commonly
11 known as "Fat Tuscan Planned Development"; adopting a
12 development plan report and development plan maps;
13 providing conditions and restrictions; providing for
14 enforcement; providing a severability clause; and
15 providing an effective date.
16
17

18 WHEREAS, by initiation of a petition by the property owner, publication of notice of
19 a public hearing was given that the Zoning Map Atlas be amended by rezoning certain
20 property within the City from the zoning category of "OR: 20 units/acre office
21 residential district" to the zoning category of "PD: Planned Development District"; and

22 WHEREAS, notice was given and publication made as required by law of a public hearing
23 which was then held by the City Plan Board on November 15, 2007; and

24 WHEREAS, notice was given and publication made of a public hearing which was then held
25 by the City Commission on January 28, 2008; and

26 WHEREAS, the City Commission finds that the rezoning to Planned Development District is
27 consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

28 WHEREAS, at least ten (10) days notice has been given once by publication in a
29 newspaper of general circulation prior to the adoption public hearing notifying the public of this

1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
2 City Hall, in the City of Gainesville; and

3 **WHEREAS**, notice has also been given by mail to the owner whose property will be
4 regulated by the adoption of this Ordinance, ten days prior to the adoption of this ordinance; and

5 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
6 described at which hearings the parties in interest and all others had an opportunity to be and were, in
7 fact, heard.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
9 **CITY OF GAINESVILLE, FLORIDA:**

10 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
11 rezoning the following described property from the zoning category of "OR: 20 units/acre
12 office residential district" to the zoning category of "PD: Planned Development District";

13 See Exhibit "A" attached hereto and made a
14 part hereof as if set forth in full.

15 **Section 2.** The City Manager or designee is authorized and directed to make the
16 necessary change in the Zoning Map Atlas to comply with this Ordinance.

17 **Section 3.** The Development Plan attached to this Ordinance, which consists of the
18 following, is incorporated and made a part of this Ordinance as if set forth in full:

- 19 1. the development plan report entitled "PD Report Fat Tuscan Neighbor-
- 20 hood Café," dated April 29, 2008, attached and identified as Exhibit "B"; and
- 21 2. development plan maps consisting of 6 sheets: 1) "cover sheet dated August 8,
- 22 2007 and revised October 10, 2007; October 29, 2007; December 10, 2007; February 8,
- 23

1 2008 and April 29, 2008; 2) "Existing Conditions Map", dated August 8, 2007 and revised
2 October 10, 2007; October 29, 2007; December 10, 2007; February 8, 2008 and April 29,
3 2008; 3) "Planned Development Layout Plan Map" dated August 8, 2007 and revised
4 October 10, 2007; October 29, 2007; December 10, 2007; February 8, 2008 and April 29,
5 2008; 4) "Building 1st Floor, Café Layout," undated; and 5) "East Elevation," undated;
6 and 6) "Building Elevations," dated October 29, 2007 and revised December 10, 2007;
7 February 7, 2008; February 15, 2008; and April 29, 2008; all attached and identified as
8 Exhibit "C."

9 The terms, conditions, and limitations of the Development Plan shall regulate the use and
10 development of the land described herein zoned to the category of Planned Development District
11 as provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter
12 referred to as "Land Development Code"). In the event of conflict between the provisions of the
13 development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the
14 provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern
15 and prevail.

16 **Section 4.** Any provision of this Ordinance to the contrary notwithstanding, the following
17 additional conditions, restrictions and regulations shall apply to the development and use of the land:

- 18 1. Sheet 4 of the development plan maps, entitled "Building 1st Floor, Café Layout," is
19 provided for illustrative purposes and is not to be considered a binding requirement of
20 this Ordinance, as the exact layout could change during the development review
21 process.

- 1 2. At the time of application for development plan review, the owner/developer shall
2 file an application for a Certificate of Final Concurrency with the City.
- 3 3. The development plan must comply with all relevant Transportation Concurrency
4 Exception Area (TCEA) requirements in the Concurrency Management Element of the
5 Comprehensive Plan.
- 6 4. The permitted uses by right in the planned development shall be limited to professional
7 office use (only those office uses within SIC Industry Groups 801, 802, 803, 804 and
8 Major Groups 81 and 87) or residential use (up to 20 du/ac, provided the density does
9 not exceed two times the average permitted density of adjacent residential districts), as
10 principal uses, and an eating place as an accessory use.
- 11 5. The eating place shall not prepare on-site fried or barbequed foods.
- 12 6. All cooking and food preparation for the eating place shall be conducted indoors.
- 13 7. The indoor hours of operation of the eating place shall be limited to 7 a.m. until 4 p.m.,
14 Monday through Saturday. The outdoor hours of operation of the eating place shall be
15 limited to 9 a.m. until 4 p.m., Monday through Saturday. Solid waste collection/pickup
16 shall not take place prior to 9 a.m., Monday through Saturday, with no pickup on
17 Sunday.
- 18 8. The eating place shall be limited to a maximum of 30 seats, inclusive of indoor and
19 outdoor seats.
- 20 9. No music or amplified sound of any type or nature shall be played or broadcast outside
21 of the walls of a fully enclosed building.

- 1 10. The owner/developer shall install and maintain a site-built, 6-foot privacy stockade
2 fence with pickets facing out, along the south property line, along the east property line
3 and immediately north of the plaza area for screening and aesthetic purposes.
- 4 11. The planned development shall provide bicycle racks to accommodate twelve (12)
5 bicycles.
- 6 12. All signage associated with this planned development shall be regulated by the City
7 of Gainesville Land Development Code.
- 8 13. Except as expressly provided herein, the use, regulations and development of the
9 property shall be governed by the "OR: 20 units/acre office residential district"
10 zoning district.
- 11 14. This Ordinance does not eliminate the necessity to obtain any required federal,
12 state, local and special district authorizations prior to the start of any activity
13 approved by this Ordinance. This Ordinance does not convey to the
14 owner/developer or create in the owner/developer any property right, or any
15 interest in real property, nor does it authorize any entrance upon or activities on
16 property which is not owned or controlled by the owner/developer, or convey any
17 rights or privileges.
- 18 15. The development shall comply with or exceed the Traditional City Special Area
19 Plan standards as provided in the City of Gainesville Land Development Code.
- 20 16. The owner/developer shall obtain all necessary permits and commence and
21 complete construction of the planned development within three years from the
22 effective date of the rezoning as provided in Section 9 of this Ordinance. In the

1 event either the owner/developer fails to obtain the permits, or the permits are
2 issued but the development, or a portion of the development, fails to proceed to
3 completion within the three year period, then the development order granted by
4 this Ordinance shall expire and be deemed null and void at the expiration of the
5 three year period. The City Commission may grant a one-year extension to the
6 three year period, if a request for good cause is filed in writing with the Clerk of
7 the Commission at least thirty days prior to the expiration date. The City
8 Commission shall be the sole arbiter of good cause and its decision shall be final.
9 If the three year period, or one year extension thereof, expires without completion
10 of construction of the development, thereby rendering the development order void,
11 then the City will designate other appropriate zoning consistent with the
12 Comprehensive Plan.

13 **Section 5.** Any person who violates any of the provisions of this ordinance shall be
14 deemed guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as
15 provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or
16 continues, regardless of whether such violation is ultimately abated or corrected, shall constitute a
17 separate offense.

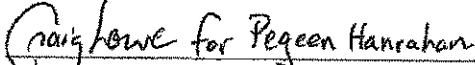
18 **Section 6.** If it is determined by the City Manager that a violation of this Ordinance exists, the
19 City Manager may issue and deliver an order to cease and desist from such violation to correct the
20 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The City
21 Manager, through the City Attorney, may seek an injunction in a court of competent jurisdiction and
22 seek any other remedy available at law.

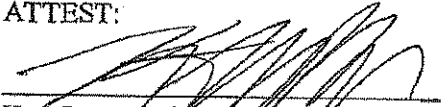
1 Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance or
2 the application hereof to any person or circumstance is held invalid or unconstitutional, such
3 finding shall not affect the other provisions or applications of the ordinance which can be given
4 effect without the invalid or unconstitutional provisions or application, and to this end the
5 provisions of this ordinance are declared severable.

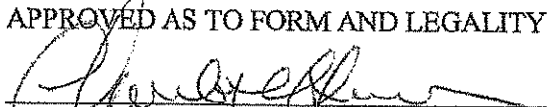
6 Section 8. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
7 conflict hereby repealed.

8 Section 9. This ordinance shall become effective immediately upon final adoption; however,
9 the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010
10 Comprehensive Plan adopted by Ordinance No. 070818 becomes effective as provided therein.

11 PASSED AND ADOPTED this 28th day of July, 2008.

12 
13 _____
14 PEGEEN HANRAHAN, MAYOR

15 ATTEST:
16 
17 _____
18 Kurt Lannon, Clerk of the Commission
19

APPROVED AS TO FORM AND LEGALITY:
20 
21 _____
Marion J. Radson, City Attorney

20 This ordinance passed on first reading this 14th day of July, 2008.

21 This ordinance passed on second reading this 28th day of July, 2008.

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EXHIBIT "A"
Legal Description for Fat Tuscan Neighborhood Café

The North 100 feet of the West 106 feet of Block 6, Brush's Addition to Gainesville, a Subdivision as per plat thereof, recorded in Deed Book "O", Page 218, of the Public Records of Alachua County, Florida.

Neighborhood Workshop

For amending the existing PD (Planned Development) for the property located at 725 NE 1st Street, Gainesville, Florida. A professional office and a neighborhood café are located at this site.

Date: Thursday, June 3, 2010

Time: 6:00 PM to 7:00 PM

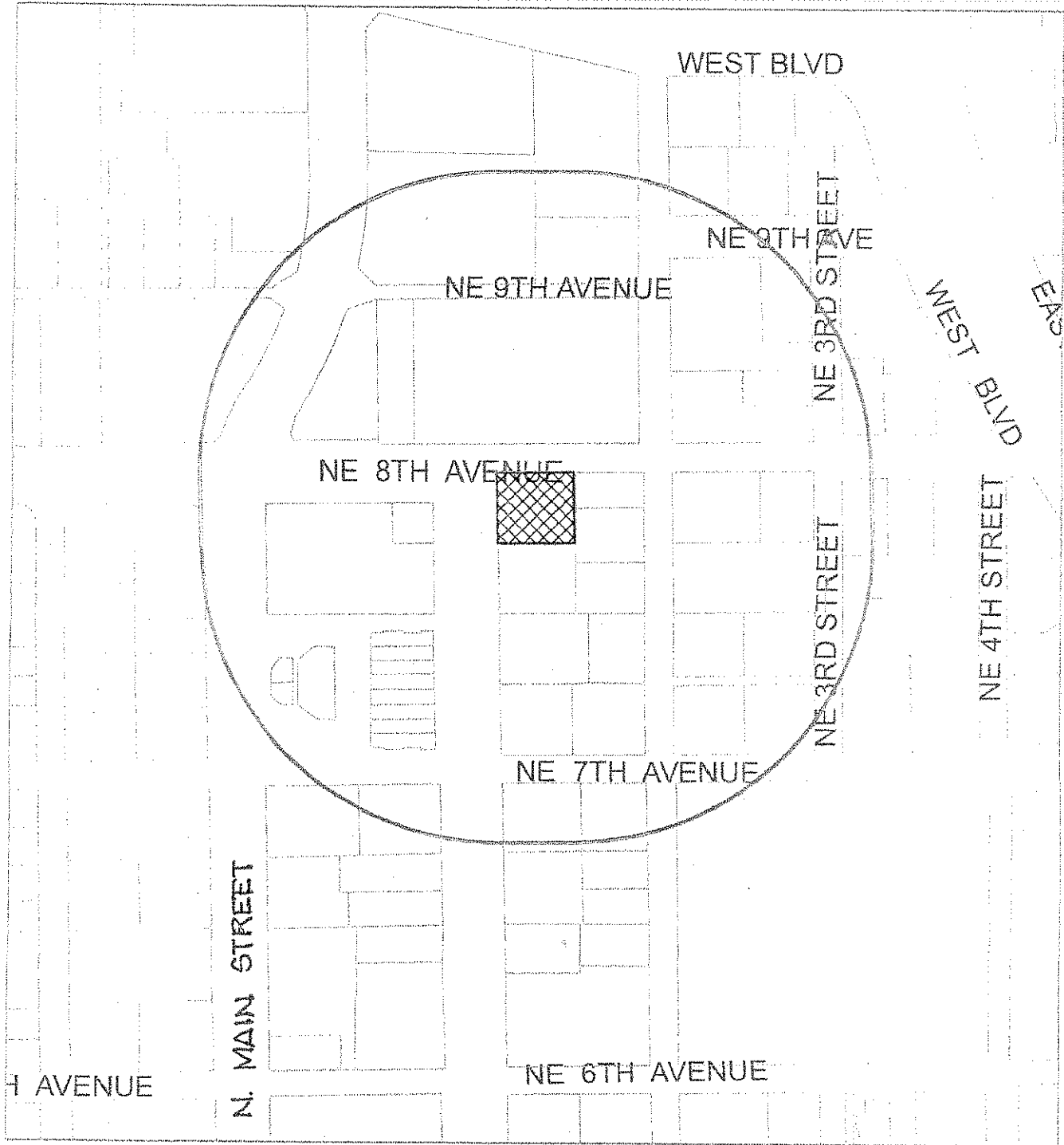
Place: Fat Tuscan Cafe

725 NE 1st Street

Gainesville, Florida 32601

Contact: Jay Reeves at (352) 371-3205

Jay Reeves along with the other Design Team members, will be conducting a workshop to discuss the adjusting the hours operation of the existing neighborhood café. A location map is included with the attachments. The purpose of the workshop is to inform neighboring property owners about the nature of the proposal and to seek comments. We look forward to seeing you there.



Proposed Fat Tuscan PD
Text Amendment

Parcel #14126-000-000
400-Feet Notification Radius

Prepared by: Department of Community Development
City of Gainesville, Florida
5.13.2010



1 inch = 200 feet

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.



**NEIGHBORHOOD WORKSHOP DOCUMENTATION
FOR THE FAT TUSCAN PD AMENDMENT
JUNE 3, 2010**

A Neighborhood Workshop was conducted for the Fat Tuscan PD Amendment between 6:00 PM and 7:00 PM on Thursday, June 3, 2010 at the Fat Tuscan Cafe, 725 NE 1st Street, Gainesville, Florida.

An informal presentation was made including the history of the Fat Tuscan Café with the inception of the original Planned Development (PD) to the current need for the PD Amendment. The history portion of the presentation was made by the Joe Montalto, Jr., P.E., Project Engineer, and the "need" portion was presented by Jay Reeves, AIA, Owner.

Fourteen (14) people attended the Neighborhood Meeting including the presenters and an owners' representative. The "sign-in sheet" is included with the attachments.

Jay Reeves explained that the original PD only allowed the serving of breakfast and lunch and required a 4:00 PM closing. He explained that the downturn in the economy and the lack of demand for breakfast services made lunch the main venue. The café was not able to sustain itself by only serving lunch and started serving dinners on Thursdays and Fridays. He stated that the café started the dinners 6 months ago. The addition of the dinners made the café viable. Jay explained that when they conceived the idea for the café they did not know enough about the market to know that the breakfast venue would not be viable.

Jay then explained that the City of Gainesville Code Enforcement Department had cited the Fat Tuscan Café several weeks ago for violations of the PD Ordinance after a complaint from a resident. The resident complained because of the music they heard from the café courtyard. The café has ceased operating after 4:00 PM to comply with the action of the Code Enforcement Department.

At that point during the workshop Jay passed out a copy of the proposed amendments (see the attachments) to all in attendance. Jay explained each amendment and then responded to the following questions from those in attendance:

1. When will the café be open?



We are asking to be allowed to be open any day of the week. We want the flexibility to be open Sundays but may not do this on a regular basis.

2. How many seats will you have?

We currently have 62 seats combining the outside and inside eating areas. We are currently permitted for 30 seats. We are requesting 70 seats with the amendment.

3. Why can't you open at 7:00 AM as stated in the original PD instead of the 6:00 AM starting time?

The City of Gainesville changed their hours of operation to begin a 7:00 AM. If we attempt to serve breakfast we will need to be open at 6:00 AM to capture that market.

4. Are the operating hours you are requesting "serving time"?

Yes.

5. Have you spoken to the neighbors behind the Fat Tuscan to see if they are disturbed by the music in the courtyard?

Yes we have and they do not object to the music. In fact, the property owner immediately behind enjoys listening to the music.

6. Do you really need music outside?

The music adds to the ambiance of the café courtyard and is a draw for our customers. The music has been stopped at 9:00 PM when we have had it in the courtyard.

7. Can the hours of operation be modified to restrict the closing hours in the courtyard to 9:00 PM?

We will consider that request.

8. The OR Zoning was supposed to be a buffer to the residential area. Increasing the hours would have more impact on the residential area?

The café is located on the edge of the residential district. It provides a buffer between the commercial uses of the Firestone and former Texaco Gas Station and is compatible with the "mixed-uses" the City Commission is trying to promote in the core of the City.



9. I am concerned that a "precedent" is being set?

The PD Zoning only applies to the individual property it is attached to. That is why we did not attempt to rezone the property to commercial and used the PD as the vehicle.

10. You received your permit to operate the café with restrictions but you did not observe them. How will we know that if the PD is amended you will observe the new restrictions?

The City of Gainesville Code Enforcement Department will undoubtedly be reviewing the operation very closely due to the current enforcement actions being taken against the café.

11. Since the zoning stays with the property I am concerned that "new owners" could change the way the business operates and this could have negative impacts. What is to prevent this from happening?

The City can enforce the conditions of the PD just as it has with the pending code enforcement action currently on the Fat Tuscan Café.

Prior to the close of the meeting the attendees (not including members of the Design Team and CRA Staff) were asked to provide "a show of hands" for which of the amendments they supported. Some of the amendments were supported with "modifications". The results are described below correspond to the "Proposed Amendment No's and the modifications are listed in the "comments column":

PD Amendments	Attendee Proposed Modifications	Attendees Preference	
		For	Against
4	None	9	
7	Change outside (courtyard) operating hours to 11:00 AM to 9:00 PM	6	
8	None	7	
9	Music to stop at 9:00 PM, prefer no amplification.	7	1

FAT TUSCAN CAFÉ - NEIGHBORHOOD MEETING

June 3, 2010

Please Sign In:

Name	Address	Phone No.	E-mail address
1. Paula Stahmer	4621 Clear Lake Drive ³²⁶⁰⁷	373 3758	Paulastahmer@aol.com
2. Guseer A Schaffert	719 NE 1 st St. Gulle	378-6593	gaslaw@gmail.com
3. Kurt Kent	714 N.E. 1 st St., GNV	379-6174	the-kents@hotmail.com
4. Gail Macabee	763 N.E. 1 st St	372-2549	gail@acha-fl.org
5. Ann Heathering	725 NE 2 nd St	378-1372	Davisheathering@bellsouth.net
6. Deane Grich & Chris Urban	708 NE 1 st St	^{Deane 871-9575} Chris - 203-1361	gaborrx97@yahoo.com net
7. Melanie Barez	216 NE 5 th St	377-4211	mtoppino@cox.net
8. Damon Allen	216 NE 5 th St	377-4217	daman.t.allen@gmail.com
9. Paul Davis	725 NE 2 nd St	378-1372	pdavisgnv@bellsouth.net
10. Jo Brady	3212 NW 30 th St		
11. Elizabeth Covell	207 NE 9 th Ave.	336-6157	covelle@billsouth.net
12. Marianne Toppino	1211 NW 25 th Terrace	231-0493	mtoppino@cox.net
13. Jay Reeves	305 NE 5 th Ave	373-1629	Jay.Reeves@JayReeves.com
14. Joe Montastagno	309 SE 7 th St		Montastagno@jmsi.com

1002295



309 SE 7th Street, Gainesville, Florida 32601
Phone No. (352) 494-6225 Fax No. (352) 339-0303

**FAT TUSCAN PD AMMENDMENT
JUNE 3RD 2010
PROPOSED AMENDMENTS**

4. The permitted uses by right in the Planned Development shall be limited to **those permitted in the original OR zoning** as principal uses, and an eating place as an accessory use.

7. The hours of operation of the eating place shall be limited to: **6:00 AM to 11:00 PM
7 Days a week.**

8. The eating place shall be limited to a maximum of **70** seats inclusive of indoor and outdoor, **recognizing people gravitate in or out dependant on the weather.**

9. **Only Music that complies with City of Gainesville Noise Ordinance – Chapter 15 Code of Ordinances shall be allowed in the exterior courtyard not past 10:00 PM.**

1002295

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THURSDAY, MAY 20, 2010 THE GAINESVILLE SUN 198B

STORMWATER: Board member seeks services swap with city

Continued from B4

...the city would be responsible for the maintenance of the stormwater system, which is a major expense for the city. ...

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Florida Democrats are urging ban on drilling

WASHINGTON — Climate activists are urging the passage of a bill to ban oil drilling in Florida's state parks. ...

...the bill would prohibit any new oil drilling in Florida's state parks. ...

GARDENS: 95K 'masters' nationwide

Continued from B4

...the program is designed to help people learn about gardening. ...

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PROFESSOR: Legal action may follow

Continued from B4

...the professor is considering legal action against the university. ...

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PRESIDENT: Calls UF tuition a 'bargain'

Continued from B4

...the president is calling UF tuition a bargain. ...

...the president is calling UF tuition a bargain. ...

...the president is calling UF tuition a bargain. ...

Was your community ever in the Sun?

Public Notice

SHOP ILENE'S NEW CALIFORNIA FASHION WEAR

BOATING: 426 injured in '09 incidents

Continued from B4

...the number of boating accidents has increased. ...

Florida boating facts and figures

FLOODING LED U.S. IN 2009 BOATING ACCIDENTS

- Florida: 427
- California: 520
- Maryland: 156
- All other: 158

Source: U.S. Coast Guard, based on \$2,650 in damage or more

FLORIDA BOATING BY THE NUMBERS IN 2009

- 967,470 registered vessels (down 17,806 from 2008)
- 65 fatalities
- 426 injuries reported involving 822 vessels and 26 swimmers
- 24% of the victims of fatal boating accidents were males
- 70% of the Opinions received in reportable boating accidents had no formal boater education
- 38% of the fatal accidents were falls overboard (20 accidents)
- 57% of the fatal accidents were in vessels less than 15 feet in length
- 69% of deaths in fatal boating accidents was due to drowning
- 18.5% of the boating fatalities were caused by alcohol or drug use
- 18% of the total accidents involved non-reportable vessels

Source: Florida Fish and Wildlife Conservation Commission

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