



MEMORANDUM

Office of the City Attorney

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LEGISLATIVE ITEM NO. 980987

TO: Mayor and City Commission

DATE: ~~May 24, 1999~~
June 14, 1999

FROM: City Attorney

CITY OF GAINESVILLE
CITY COMMISSION

SECOND READING
FIRST READING

SUBJECT: Ordinance No. 0-99-34, Petition No. 229PDA-98PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 960941 that adopted the Planned Development commonly known as "Magnolia Park" located in the vicinity of 4700-4900 block of N.W. 39th Avenue; amending the planned development to allow an eating place with a drive-through facility under certain terms and conditions; amending the planned development report to conform with the amendment; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

At the public hearing of February 8, 1999, the City Commission approved the petition with conditions. The amended condition stated that "if the petitioner can demonstrate that the traffic impact is not increased, there would be no time restriction associated with the drive-through". Based on the review of a traffic study amendment submitted by the petitioner, which states that the proposed eating place with an accessory drive-through has a higher a.m. peak hour trip generation rate compared to that of a financial institution with a drive-through, the petitioner has not demonstrated that the traffic impact will not be increased, therefore the condition related to a time restriction remains. However, if the City adopts a Transportation Concurrency Exception Area which includes this development, the development would no longer be subject to level of service requirements related to traffic concurrency, therefore it would be unnecessary to apply the time restriction. Additionally, if the level of service on the impacted roadway segments can accommodate additional trips, it would be unnecessary to apply the time restriction. Recent discussions with the Alachua County Public Works Department have indicated that the impacted roadway segments may have additional capacity available, based on recently revised traffic studies.

CITY ATTORNEY MEMORANDUM

If the City Commission adopts the ordinance on first reading, second reading will be held on June 14, 1999.

Prepared by:



Marion J. Radson
City Attorney

MJR/afm

Passed on first reading by a vote of 4-0.