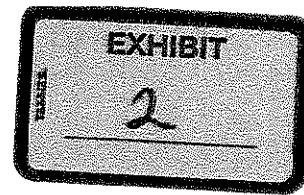


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CITY  
OF  
GAINESVILLE

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INTER-OFFICE COMMUNICATION

Item No. 3

TO: City Plan Board

DATE: November 15, 2007

FROM: Planning Division Staff

SUBJECT: Petition 112PDV- 07 PB, Joe Montalto, agent for Jay and Michelle Reeves. Rezone property from OR (office residential district - up to 20du/ac) to PD (planned development) district to allow a small neighborhood café as an accessory use within a professional office building. Located at 725 Northeast 1<sup>st</sup> Street. Related to Petition 115LUC-07PB.

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Recommendation

Staff recommends that the proposed "Planned Development" rezoning with associated PD Plan Report, PD Layout Plan and PD Elevations, Petition 112PDV-07PB, be approved with staff conditions.

Explanation

The purpose of this PD zoning overlay proposal is to allow for the creation of a small, pedestrian oriented neighborhood café in an (OR) office/residential zoning district having an (O) office 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 Traditional City designation that 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 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 from 7:00 AM to 4:00 PM. The proposed development is unique and would provide an eatery within a short walking distance of the many attorney's offices, City offices, single-family residences and a multi-family development located across the street. 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 (18) and a new courtyard plaza area (12) 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.

### **Conformance with the Comprehensive Plan**

#### **Land Use**

The proposed land use change to PUD is consistent with the City of Gainesville 2000-2010 Comprehensive Land Use Plan in several ways. The proposed use is a unique, innovative and narrowly construed use, which, because of the specificity of the land use regulations, can be found to be compatible with the character of the surrounding land uses. The PUD allows for a mix of residential and non-residential (office and neighborhood café) uses and/or unique design features which might not be otherwise allowed in the underlying land use category.

#### **Zoning**

The petitioner is requesting a rezoning to PD to allow for a neighborhood café to be established, both inside and outside of a historic office building located on a 0.24 acre parcel of land currently zoned OR. The property is located within the Northeast Historic District at 725 Northeast 1<sup>st</sup> Street. In addition, the property is also located within the City of Gainesville's Traditional City Special Area Plan district. It is within that district that most of the development guidelines (setbacks, etc.) are established. Architectural design is mostly governed by the Northeast Historic District guidelines. The remainder of the two-story office building, approximately 1,791 square feet will remain as architectural office space.

This PD overlay designation, as proposed, will limit the interior area of the café to a maximum of 847 square feet (32.1%) of the 2,638 square foot, two-story office building, 184 square feet of outdoor porch waiting area and 433 square feet of outdoor paved cafe patio area. The 708 square feet of patio area and the remainder of site open space comprise 3,407 square feet (32%) of the 10,600 square foot site.

Dining is proposed for breakfast and lunch only, 6-days a week. Thirty (30) seats are being proposed for this small, unique neighborhood cafe. The percentage of gross square footage of the office building and percentage of the total site allocated for the operation of the café (indoors and outside) shall not increase over the years of the café's operation. The petitioner will allow no music to be played outside the confines of the office building walls. Patrons of the café will have to limit their use of vehicles to the site because of the limited number of parking spaces available. It is expected/anticipated that most patrons of the café will either walk or ride their bikes to the café.

Condition 1. The PD Plan Report and PD Layout Plan may have to be revised per conditions stipulated by staff, Plan Board or City Commission.

Condition 2. The additional, detailed site plan/floor plan drawings provided in the PD packet/s are considered working documents that could change during the future minor site plan review process by staff and are not to be considered a part of the PD ordinance packet.

### **Certificate of Concurrency**

An application for Preliminary Concurrency Certification has been submitted to the City of Gainesville Planning and Development Services Department and approved for this proposed PD. This development is located within Zone 'A' of the Transportation Concurrency Exception Area (TCEA). The development must meet all relevant Concurrency Management Element Policy 1.1.4 Standards.

Condition 3. An application for final Concurrency Certification must be submitted with the preliminary and final development plan application submittal.

Condition 4. The site plan submitted in association with this development must comply with all relevant TCEA requirements in the Concurrency Management Element.

### **Internal Compatibility**

The proposed neighborhood café will be comprised of 847 square feet of the first floor of the existing office building, a small outdoor porch area (184 square feet) and 433 square feet of outdoor paved plaza area designated for café seating. The plaza area will be located in the rear (east) of the building and contain a nice pool and fountain feature that will compliment the landscaping. Handicapped accessibility to the café shall be through the building's main lobby that will serve both the office use and, when necessary, provide handicapped accessibility to the café.

Condition 5. The permitted uses allowed on the subject property shall be limited to professional office use (SIC.MG 80, 81 and 87), residential (up to 20/du/ac) and to a small accessory neighborhood café that does not allow the preparation of fried or barbequed foods. All cooking and food preparation shall be conducted indoors.

Condition 6. The petitioner should provide space for an indoor waiting area that is located near the western entrance to the café. There are currently two tables, having four seats that are proposed for an area immediately inside the entrance door. This area would provide an indoor waiting area, having conditioned air (heating and cooling).

### **External Compatibility**

The PD is bordered by RMF-8 zoning on the north, RMF-5 to the east, OR to the south and OR and MU-1 to the west sides of the project. The current land uses surrounding the project to the north and east are multi-family and single-family residential. The

current land uses to the south and west are professional offices. The greatest concerns the City has related to the request to allow the neighborhood café are as follows: 1.) Days of operations, 2.) Hours of operation, 3.) Intensity of development, 4.) Noise created and 5.) Odors generated.

Condition 7. The hours of operation shall be from 7:00 AM in the morning till 3:00 PM in the afternoon, Monday through Friday.

Condition 8. Music shall not be played outside of the walls of the office building.

Condition 9. The petitioner shall install a site-built, 6-foot privacy stockade fence (with pickets facing out) along the south property line next to the plaza area and immediately north of the plaza area for screening and aesthetic reasons.

### **Intensity of Development**

The petitioner is proposing an accessory use (small neighborhood café) to the principal use which is the operation of a professional architectural office. The idea is to create a small, unique café that will provide an eatery within a short walking distance of the many attorney's offices, city offices and residences located in the immediate area. The operative word in the petitioner's proposal is "Small".

Condition 10. Area for the café shall be limited to 874 square feet (32.1%) of the existing office building, 433 square feet of paved, outdoor café plaza area and 184 square feet of outdoor porch waiting area.

Condition 11. The number of seats allowed within the small, neighborhood café shall be limited to a maximum of 20 seats.

Condition 12. Revenue from the café shall never exceed 49% of the total income generated at the subject property. The principal use must always generate 51% or more to the total revenue generated at the site.

### **Usable Open Space**

It is the petitioner's desire to provide useable open space in the rear of the office building by creating an outdoor plaza, garden and fountain area for the enjoyment of the café patrons and employees working in the office building.

Condition 13. The petitioner shall provide no less than 3,407 square feet (32.2 %) of site open space that includes the 708 square feet of outdoor café area.

### **Environmental Constraints**

The site is already intensely developed and there are no apparent environmental constraints to the development of the café. The proposed outdoor plaza element of the café is to be located within an existing pervious landscape area.

### **External Transportation Access**

The site has two existing ingress/egress transportation access locations serving the subject property. There is currently a 14 foot wide, one-way in access drive from Northeast 1<sup>st</sup> Street to a 9 space parking lot. In addition, there is also a 23-foot wide, two-way drive providing access from Northeast 8<sup>th</sup> Avenue to the same parking lot. There are no plans to revise the access drives or the parking lot.

### **Internal Transportation Access**

Because of the small size of the existing 9 space parking lot and the access drives serving the office building, there are basically no Internal Transportation Access issues that must be dealt with. The internal drives appear to be between 23-feet and 26-feet in width.

### **Off - Street Parking**

There are currently 9 off-street parking spaces serving the two-story office building with one of those spaces being a handicapped accessible space. The petitioner may have to place reserved parking signs in the parking lot for spaces needed or desired for the existing office use. There is on-street parking along Northeast 1<sup>st</sup> Street in the general area site but primarily south of the subject property due to the existing curb-cut and the left/right - turn lanes at 8<sup>th</sup> Avenue.

### **Sidewalks, Trails and Bikeways**

City code requires that there be sidewalks abutting all public rights-of-way when there is new development involved. Two streets, Northeast 1<sup>st</sup> Street (boulevard) and Northeast 8<sup>th</sup> Avenue abut the subject property to the west and north respectively. Currently there are sidewalks located along both streets abutting the site on the west and north sides of the property. There are no trails or bikeways abutting or associated with this project and none are proposed. The petitioner currently has 3-bike racks installed along the public sidewalk system abutting Northeast 1<sup>st</sup> Street.

### **Public Facilities**

There are no public facilities in the proposed development.

### **Unified Control**

The current office building is under single (husband and wife) ownership. Mr. Reeves, owner, runs his architectural business from the two-story office building. The proposed neighborhood café shall be owned and operated by Mrs. Reeves.

### **Phasing and Development Schedule**

The petitioner is proposing to develop the project in one phase with construction scheduled to begin within one year of Commission approval.

### **Development Time Limits**

City staff is recommending the following time frame for development of the proposed site.

Condition 16. The development order approved by the adoption of the Planned Development Zoning Ordinance will be valid for a period of three years from the date of adoption. A building permit must be issued prior to expiration of said period. The City Commission may grant an extension of time for a period of one year, only if the request is in writing to the Commission, one month prior to the 3-year expiration date. If the original approval period expires with no action being taken, the development order approved by the Planned Development Zoning Ordinance shall be void and of no further force and effect. The City has the option to designate other appropriate land use and zoning consistent with the Comprehensive Plan.

### **Bonds**

None.

### **Signage**

Site signage shall be installed in accordance to the City's sign ordinance.

### Applicant Information

Joe Montalto, agent for Jay Reeves.

### Request

PD (Planned Development) rezoning from OR (office residential – up to 20 du/ac) to allow a small neighborhood café as an accessory use.

### Land Use Plan Classification

O (office - up to 20 dwelling units per acre).

### Existing Zoning

OR (office residential - up to 20du/ac).

Purpose of Request The purpose of the request is to allow the creation of a pedestrian oriented neighborhood café in an office/residential district.

Location 725 Northeast 1<sup>st</sup> Street.

Size 0.23 acres more-or-less.

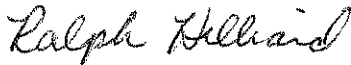
Existing Use The existing use of the two-story office building is an architectural office.

Surrounding Land Uses North - Multi-family residential.  
East - Single-family residential.  
South - Professional office building.  
West - Professional office buildings/Auto Repair.

<u>Surrounding Controls</u>	<u>Zoning</u>	<u>Land Use Plans</u>
North	RMF-8	RM
East	RMF-5	RL
South	OR	O
West	OR/MU-1	O

In conclusion, staff is recommending approval of **Petition 112PDV-07PB** with the above-mentioned conditions, amended PD Layout Plan, PD Plan Report and revised PD Elevations based on department comments.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

**CITY OF GAINESVILLE PLANNING DIVISION  
SUMMARY OF COMMENTS**

Petition Number: 115LUC & 112PDV-07PB      Reviewed by: Gene G. Francis  
 Gainesville Plan Board Meeting: November 15, 2007  
 Project Name/Description: Fat Tuscan Neighborhood Cafe

**I. Department Comments**

- |     |                                  |                             |
|-----|----------------------------------|-----------------------------|
| 1.  | Planning -                       | Approvable with conditions. |
| 2.  | Public Works -                   | Approvable as submitted.    |
| 3.  | Gainesville Regional Utilities - | " " "                       |
| 4.  | Police -                         | .....                       |
| 5.  | Fire -                           | " " "                       |
| 6.  | Building -                       | Approvable with Conditions. |
| 7.  | Arborist -                       | Approvable as submitted.    |
| 8.  | Environmental                    |                             |
| 9.  | HASMAT                           | " " "                       |
| 10. | Concurrency -                    | " " "                       |
| 11. | Solid Waste -                    | " " "                       |

**II. Overall Recommendation**

The PD Layout Plan, PD Plan Report and PD Elevations are approvable with conditions.



# SITE PLAN EVALUATION SHEET

## DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION

### CURRENT PLANNING ROOM 158, THOMAS CENTER "B"

306 Northeast 6th Avenue 334-5023

Petition No. <u>112PDV-07PB</u>	Date Plan Rec'd: <u>10/30/07</u>	Review Type: <u>Planned Development</u>
Review For: <u>Plan Board</u>	Review Date: <u>11/15/07</u>	Project Agent:
Description, Agent & Location: <u>The Fat Tuscan Cafe</u>		<u>joe Montalto</u>

**APPROVABLE**  
(as submitted)

**APPROVABLE**  
(subject to below)

**DISAPPROVED**

<input type="checkbox"/> Plan meets ordinance requirements as submitted
<input checked="" type="checkbox"/> Revisions necessary for plan to meet ordinance requirements

Comments By:

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Gene G. Francis  
Planner

#### RECOMMENDATIONS/REQUIREMENTS/COMMENTS

1. Please darken the exterior walls of the existing office building on the existing conditions sheet and PD Layout Plan and provide the square footages of the office area (1,791 sq.ft.) and café (847 sq.ft.) on the PD Layout Plan.
2. Under Site Utilization on the Layout Plan, the petitioner should more clearly identify the "Paved" or "Brick" plaza area as being 433 square feet.
3. Planning staff is proposing a maximum of 20 café seats. By reducing the four seats located near the entrance door, it frees up a logical indoor waiting area having conditioned air (heated and cooled) in addition to the porch waiting area.
4. Planning staff is recommending that the hours of operation be limited to 7:00 AM in the morning to 3:00 PM in the afternoon.
5. Planning staff recommends that the days of operation be limited to the (5) normal work-week (Monday-Friday) when most non-residential facilities in the area are closed.
6. Music shall not be played outside the walls of the office building.
7. Revenue from the café shall never exceed 49% of the total income generated at the subject property.
8. The petitioner is required to receive approval of there plans from the Historic Board prior to the plans going to the Plan Board for their approval.
9. The petitioner must submit a minor site plan for City staff approval of both the indoor and outdoor portions of the café. That plan can be submitted at any time in the future but can not be signed-off on until the final (second) reading of the land use and zoning ordinances.

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# SITE PLAN EVALUATION SHEET

DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION

CURRENT PLANNING ROOM 158, THOMAS CENTER "B"

306 Northeast 6th Avenue 334-5023

10. Under Note #7- PD Site Data on the PD Layout Plan, the petitioner must revise the statement to read that this rezoning is to change from OR zoning to PD zoning to allow an indoor/outdoor café as an "Accessory Use" in conjunction with an Allowed "Principal Use" of Office or Residential.

11. The detailed floor/site plans and rendering that were provided for staff, Board and Commission member's greater understanding of the project shall be considered working documents that will not be considered a part of the PD ordinance required documentation.

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# SITE PLAN EVALUATION SHEET

## BUILDING INSPECTION DEPARTMENT REVIEW

Petition No. 112PDV-07PB	Review Date: <u>11/5/07</u>	Review Type: <u>Planned Development</u>
Review For : <u>Plan Board</u>	Plan Reviewed: <u>11/5/07</u>	
Description, Agent & Location: <u>Joe Montalto, The Fat Tuscan Café, 725 NE 1 Street</u>	Project Planner: <u>Gene Francis</u>	

APPROVABLE     APPROVABLE     DISAPPROVED     CONCEPT  
SUBJECT TO COMMENTS

This site plan has been reviewed for compliance with Chapter 5 of the Standard Building Code & for accessible routes of the Florida Accessibility Code for Building Construction. Complete code compliance plan review will be performed at Building Permitting.	Comments By: <i>Brenda G. Strickland</i> Brenda G. Strickland Plans Examiner
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### REVISIONS / RECOMMENDATIONS:

1. The existing conditions map and the PD layout plan indicates an open 2 story porch that does not exist. This is going through minor review at this time. The stairs and the porch shall be at least 10 feet from the property lines.
2. Provide sign at the courtyard entrance from the parking lot stating that this is the accessible route to the outdoor seating area only.
3. As part of the site plan review process the floor plan has not been reviewed for Building Code compliance.





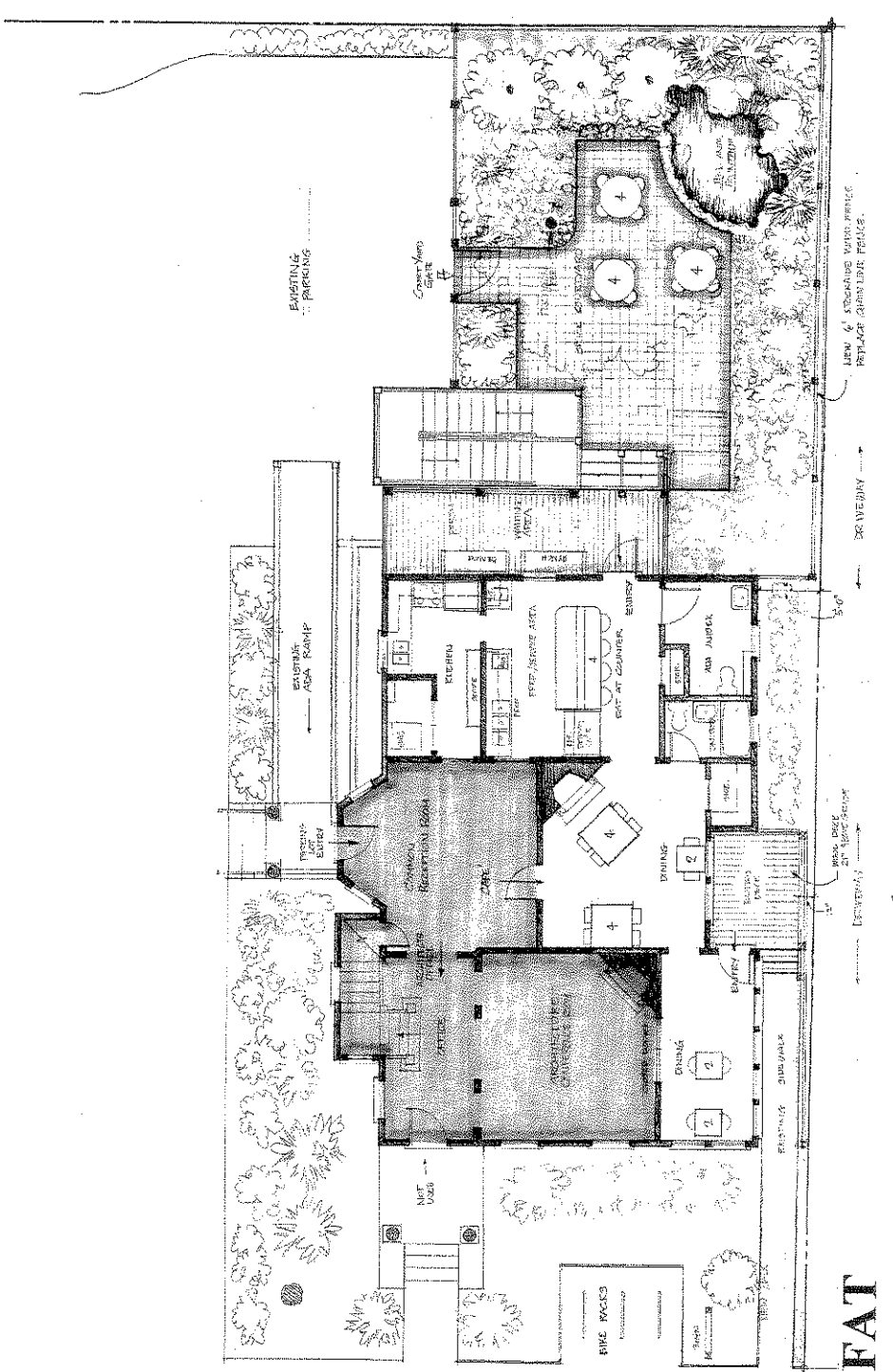




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THE FAT TUSCAN CAFE  
 725 N.E. 1<sup>ST</sup> STREET  
 GAINESVILLE, FL. 32601

PD-4



CAFE SEATING ILLUSTRATED  
 18 SEATS INDOOR CAFE  
 12 SEATS OUTDOOR CAFE  
 30 SEATS MAXIMUM

# FAT TUSCAN CAFE & BAKERY



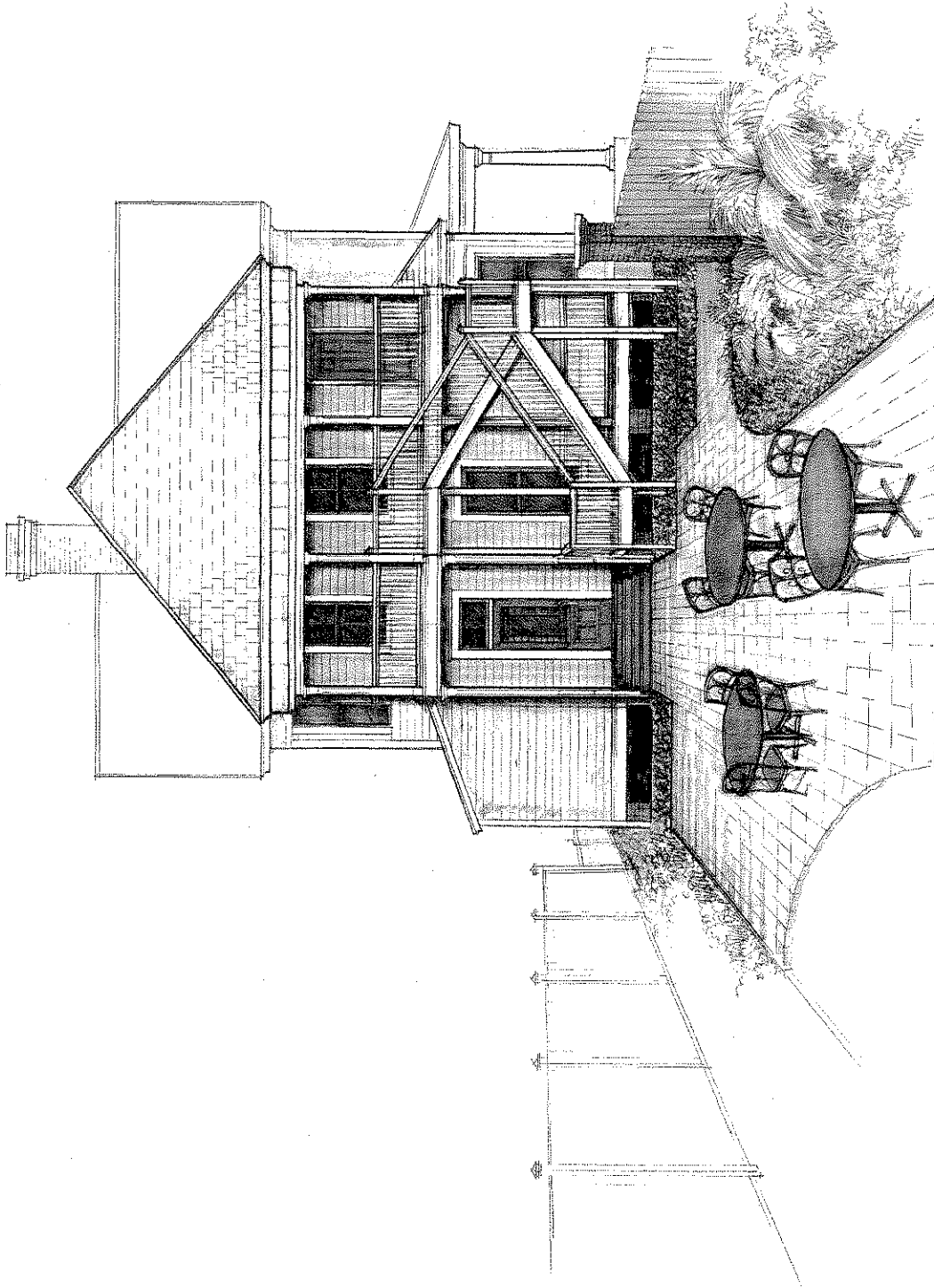


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THE FAT TUSCAN CAFE  
725 N.E. 1ST STREET  
GAINESVILLE FL. 32601

PD-5



EAST ELEVATION  
NOTES  
COURTYARD VIEW OF ENTRY