

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

**From:** Karen Orr <thibeau48@bellsouth.net>

**Date:** Mon, 28 Jul 2008 08:39:30 -0400

**To:** CityComm@CityofGainesville.org

2008 JUL 28 AM 10: 28

THIS DOCUMENT IS SUBMITTED **FOR THE RECORD**

Dear Mayor Hanrahan and Gainesville City Commissioners:

Reject the petition that will destroy the current, historic buffer between active business on Main Street and the Historic Duckpond Residential Neighborhood (Petitions 115LUC-07/112PDV-07PB - Fat Tuscan).

Zoning on NE 1st Street was **ORIGINALLY** designated office-residential to protect the Duckpond Residential Neighborhood from destabilizing activity. Homeowners in my section of the Duckpond Neighborhood have relied upon this historic zoning for protection. For you to allow a retail restaurant operation in NE 1st Street is to turn your backs the city's original intent to protect the residential neighborhood.

I urge you not to break your contract with those of us who made our homes here because of this contract we have with the city.

The proposed restaurant does not provide parking for its customers and those customers will park on the closest residential streets to the restaurant.

The petitioners' promotion that their customers will arrive on foot is naive. It should be obvious to anyone with any real world experience that this is a fantasy. If this business is a success, cars filled with customers will logically follow. This will immediately affect the quality of life for those of us who live adjacent to a **NEW** restaurant, drawing a significant business that is not required to provide parking for its customers

The majority of Fat Tuscan customers will access the restaurant they way access most restaurants - by car. As Fat Tuscan supplies no parking for those customers, they will park in residents parking spots on residential neighborhood streets. QED.

If approved, the commercial zoning/restaurant/no parking will destabilize the Historic Duckpond Residential Neighborhood that some of us have fought long and hard to protect.

This proposal will bring noise, additional traffic, and parking problems. The commercial zoning will lower residential property values. It will make it extremely difficult to sell the single family houses when they sit in the midst of a commercial parking lot.

The two houses abutting the proposed restaurant are already for sale. I understand the house next to one of them will go on the market shortly.

The proposal will set a precedent (restaurateurs are already sniffing around the Konish Church) and the city will have no legal grounds to deny future commercial zoning requests in neighborhoods - both in the Duckpond Neighborhood and elsewhere.

The petitioners are asking for an exception that has never been granted to anyone else.

Protect our neighborhood by rejecting this inappropriate proposal (Petitions 115LUC-07/112PDV-07PB - Fat Tuscan)

Yours truly,

Karen Orr

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

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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  
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**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.

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](mailto:thibeau48@bellsouth.net)>

**To:** [CityComm@CityofGainesville.org](mailto:CityComm@CityofGainesville.org)

**CC:** [HanrahanP@cityofgainesville.org](mailto:HanrahanP@cityofgainesville.org) [hawkinswt@cityofgainesville.org](mailto:hawkinswt@cityofgainesville.org)

[mastrodij@cityofgainesville.org](mailto:mastrodij@cityofgainesville.org) [henrysl@cityofgainesville.org](mailto:henrysl@cityofgainesville.org) [poel@cityofgainesville.org](mailto:poel@cityofgainesville.org)

[DonovanJF@cityofgainesville.org](mailto:DonovanJF@cityofgainesville.org) [LoweSC@cityofgainesville.org](mailto:LoweSC@cityofgainesville.org)

**References:** <[487A9E90.7040100@bellsouth.net](mailto: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  
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](mailto:thibeau48@bellsouth.net)>

**To:** [HanrahanP@cityofgainesville.org](mailto:HanrahanP@cityofgainesville.org) [hawkinswt@cityofgainesville.org](mailto:hawkinswt@cityofgainesville.org) [mastrodij@cityofgainesville.org](mailto:mastrodij@cityofgainesville.org)  
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[LoweSC@cityofgainesville.org](mailto: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.

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Karen Orr  
715 NE 2nd Street  
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.

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](mailto:thibeau48@bellsouth.net)

Enclosures

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

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

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City Commission Agenda, Page 27

<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.

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:

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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