



Legislation Details (With Text)

File #: 100229. **Version:** 2 **Name:** PLANNED DEVELOPMENT - FAT TUSCAN (B)
Type: Ordinance **Status:** Adopted
File created: 12/2/2010 **In control:** City Attorney
On agenda: **Final action:** 12/16/2010
Title: PLANNED DEVELOPMENT - FAT TUSCAN (B)

Ordinance No. 100229; Petition PB-10-68 PDA

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Fat Tuscan Planned Development" located in the vicinity of 725 Northeast 1st Street; by amending and restating in its entirety City of Gainesville Ordinance No. 070819 to allow additional uses by right, to allow on-site preparation of fried or barbequed foods, to expand the hours of indoor and outdoor operation, to prohibit after hours events and to increase the amount of indoor and outdoor seating; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 100229_cpb recommended conditions_20100819.pdf, 2. 100229_A_table 1_list of permitted office uses_20100819.pdf, 3. 100229B_staff letter_20100819.pdf, 4. 100229C_table 1__list of permitted uses_20100819.pdf, 5. 100229D_exhibit 1_cpb 071115 minutes_20100819.pdf, 6. 100229E_exhibit2_staff report_112PDV_07PB_20100819.pdf, 7. 100229F_exhibit 3_ord 070819_20100819.pdf, 8. 100229G_exhibit 4_notice of violation_20100819.pdf, 9. 100229H_exhibit 5_fat tuscan web page_20100819.pdf, 10. 100229I_exhibit 6_staff recommended conditions_20100819.pdf, 11. 100229J_exhibit 7_petitioner appl and backup mat_20100819.pdf, 12. 100229K_citizen letters to cpb_20100819.pdf, 13. 100229L_100722 cpb minutes draft.pdf, 14. 100229_petitionform_20100819.pdf, 15. 100229_draft ordinance_20101202.pdf, 16. 100229_ordinance_20101216.pdf

Date	Ver.	Action By	Action	Result
12/16/2010	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
12/2/2010	1	City Commission	Adopted on First Reading (Ordinance)	Pass
8/19/2010	0	City Commission	Approved (Petition) as Modified	Pass

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The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This is a request to amend the Fat Tuscan Café Planned Development (PD) Ordinance No. 070819 adopted by the City Commission on July 28, 2008. The applicants have requested revisions to expand the permitted uses on the property, to extend the business hours, increase seating counts and remove restrictions on food preparation and use of the courtyard hours and music. Specifically, the ordinance will allow additional permitted uses by right, will allow non-amplified outdoor music, expand the operating hours to 6:30 a.m.-10:00 p.m. (Monday through Saturday) and 8:00 a.m. - 5:00 p.m. (Sunday); and increase the amount of seating from 30 to 70 seats. The applicants have indicated that the changes "are required due to development of the business, challenging economic conditions, and requests of the patrons."

On July 22, 2010, the Plan Board heard and approved the petition with conditions. The Plan Board focused on the hours of operation and whether or not to allow amplified music. The Board generally expressed that the use was good for the neighborhood but also wanted to protect the residents from potential noise issues with outdoor amplified sound. After much debate and with agreement from the applicant the Board decided to prohibit outdoor amplified music. The Plan Board chair expressed the sense of the Board was that there would be no activity after the hours of operation for the sake of the neighborhood. The Plan Board, by a vote of 5-0, recommended the City Commission approve the petition with modifications.

After public notice was published in the Gainesville Sun, the City Commission held a public hearing on the petition on August 19, 2010. The City Commission, by a vote of 6-0, approved the petition with two modifications to the Plan Board recommendation 1) prohibit all after hours parties; and 2) prohibit outdoor seating/service after operating hours.