



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.