



## Legislation Details (With Text)

**File #:** 080174. **Version:** 1 **Name:** AMENDMENT OF PS ZONING ORDINANCE 060015 FOR 837 SOUTHEAST 7TH AVENUE - COTTON CLUB MUSEUM AND CULTURAL CENTER INC. (B)  
**Type:** Ordinance **Status:** Adopted  
**File created:** 12/4/2008 **In control:** City Attorney  
**On agenda:** **Final action:** 12/18/2008

**Title:** AMENDMENT OF PS ZONING ORDINANCE 060015 FOR 837 SOUTHEAST 7TH AVENUE - COTTON CLUB MUSEUM AND CULTURAL CENTER INC. (B)

Ordinance No. 0-08-59; Petition No. 76PSZ-08PB

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 060015, adopted by the City Commission of the City of Gainesville on October 23, 2006, that rezoned certain property located in the vicinity of 837 Southeast 7th Avenue and commonly referred to as the "Cotton Club," to "PS: Public services and operations district;" by adding certain uses to the list of uses permitted by right on the property; by specifying the setbacks for certain uses on the property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 080174\_plan board staff report\_20080728.pdf, 2. 080174\_DRAFT PB minutes\_20080728.pdf, 3. 080174\_PPT\_20080728.PDF, 4. 080174\_Cotton Club\_20081204.pdf, 5. 080174\_2008\_1218.pdf

Date	Ver.	Action By	Action	Result
12/18/2008	1	City Commission	Adopted on Final Reading (Ordinance)	Pass
12/4/2008	1	City Commission	Adopted on First Reading (Ordinance)	Pass
7/28/2008	0	City Commission	Approved (Petition)	Pass

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The City Commission adopt the proposed ordinance.

### PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

This is a request to amend Ordinance No. #060015 which rezoned the site at 837 Southeast 7th Avenue from RSF-4, Single-Family Residential District, to PS, Public Services and Operations District, and established a list of permitted uses on the site. That ordinance was adopted by the City Commission on October 23, 2006.

The applicant for this request is the Cotton Club Museum and Cultural Center, Inc. (CCMCC), an organization formed to manage the historic rehabilitation of the six vacant historic structures on the site for use as a museum and cultural center. The purpose of this request is to reflect recent changes made by the CCMCC to its long term development plans for the Cotton Club site.

The subject parcel is 1.84 acres in size and is located in Southeast Gainesville's Springhill Neighborhood. The subject parcel is the northern half of a block bounded by 8th Street on the west, 9th Street on the east, 8th Avenue on the south, and 7th Avenue on the north. The largest building on the site was moved from Camp Blanding to its current location after World War II and has been used as a movie theater, nightclub and storage building. In the past, this one-story wood frame building has been known as The Perryman Theater, The Cotton Club and The Blue Note. The subject property also contains five other vacant one-story structures. Those structures are four small wood frame houses and the former Perryman Grocery Store.

The subject property is zoned "PS: Public Services and Operations district." According to Section 30-75(a) of the City of Gainesville's Land Development Regulations, the purpose of the PS zoning is to provide suitable locations for public and private utility and recreation activities that serve and are used by the public. The subject property is designated "REC: Recreation," on the Comprehensive Plan's Future Land Use Map. The Recreation designation identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements.

The first portion of the request involves expanding the list of permitted uses. The PS district zoning regulations allow the adopting ordinance to contain site specific development and use criteria. In this case, the proposal is to add the following to the list of permitted uses: Small café or restaurant with indoor and outdoor seating, Historic-themed general store, Outside farmers' market, Library and/or historical archive, and Outside entertainment events, including weddings and fundraisers. The Plan Board, staff, and the applicant agree that allowing these uses on the site could benefit both the site and the community.

The second portion of the request involves minimum building setbacks. The building setback requirements for PS districts are specified in Section 30-75(e) of the City of Gainesville's Land Development Code. Essentially, that section sets dimensional requirements (including setbacks) for the following two types of uses: Office and administrative activities (Section 30-75(e)1) and all intensive recreation uses (Section 30-75(e)2).

As to all other uses, Section 30-75(e)3 allows those setbacks to be specified in a PS zoning ordinance. In this case, the applicant proposed 10 foot setbacks to the front, side, and rear for all uses not specified in Sections 30-75(e)1 and 2. However, at the June 19, 2008 Plan Board Meeting, the applicant agreed with (and the Plan Board approved) staff's recommendation for 20 foot minimum rear setbacks. In addition, the applicant requested (and the Plan Board approved) a zero-foot setback from Southeast 8th Street for an uncovered deck and ramp as necessary for Americans with Disabilities Act (ADA) compliant ingress and egress to the Perryman building.

The third portion of the request involves prohibiting the moving of the existing historic buildings on the site. In this case, the Plan Board determined that the applicant could implement this prohibition through other means such as deed restrictions, rather than implementing a governmental regulation.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 28, 2008, authorized the City Attorney's office to prepare and the Clerk of the Commission advertise the necessary ordinance amending Ordinance No. 060015 relating to the Cotton Club PS zoning. Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.