


MEMORANDUM

TO: Mayor England
Vice Mayor Kostka
Commissioner George
Commissioner Samora
Commissioner Rumrell

FROM: Max Royle, City Manager 

DATE: March 26, 2020

SUBJECT: Conditional Use Permit for Outside Serving/Consumption of Food and Beverages at the Terra and Acqua Restaurant, L24 Sea Grove Main Street

INTRODUCTION

In the Land Development Regulations there is Table 3.02.02, the Table of Uses by Land Use District. It allows by conditional use permit "food and/or beverage service or consumption outside of an enclosed building on the premises of a restaurant or hotel/motel."

At its May 4, 2015, meeting, the City Commission approved a five-year conditional use permit for the Terra and Acqua Restaurant to serve food and beverages on an outdoor patio.

As that permit will expire on May 4, 2020, the owners of the restaurant are requesting a renewal of the conditional use permit.

The Comprehensive Planning and Zoning Board reviewed the request at its meeting on March 24, 2020, and recommended that you approve the renewal of the conditional use permit for 15 years.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-14, the application for a renewal of the 2015 permit that the planning Board reviewed at its March 24th meeting.
- b. Page 15, a memo from Ms. Bonnie Miller, the Board's Executive Assistant, in which she states the Board's motion and vote to recommend that you approve the renewal of the permit.

ACTION REQUESTED

It is that you approve the renewal of the conditional use permit for the Terra and Acqua restaurant to serve food and beverages outside of an enclosed building and that the permit be for 15 years, in accordance with the Planning Board's recommendation.

City of St. Augustine Beach Building and Zoning Department

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM
BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

To: Comprehensive Planning & Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 03-13-2020
Re: Conditional Use File No. CU 2020-01

Conditional Use File No. CU 2020-01 is for renewal of a current conditional use permit that expires May 4, 2020, issued for food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, per Section 3.02.02 of the City's Land Development Regulations, at Terra & Acqua, in the Seagrove Town Center at 134 Seagrove Main Street. The applicants and owners of the restaurant business, Simone and Monica Parisi, are asking to renew the current conditional use permit issued for outdoor dining and food and beverage service for as long as Terra & Acqua is in operation.

To date, the Building and Zoning Department has received no complaints about the outdoor dining at Terra & Acqua since the original conditional use permit for outdoor dining, food and beverage service was granted by the City Commission on May 4, 2015. The applicants have submitted a drawing of the current outdoor seating, showing seven tables and 34 seats in front of the restaurant on the northwest side of the property site, and six stand-up tables with no seats on the southwest side of the property site.

The Building and Zoning Department has no objection to the renewal of the conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the premises of Terra & Acqua at 134 Seagrove Main Street for as long as the restaurant is in operation under its current ownership.

Sincerely,

Bonnie Miller

Executive Assistant
Building and Zoning Department

THE CITY OF ST. AUGUSTINE BEACH
CONDITIONAL USE PERMIT APPLICATION

THE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE PERMIT:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE PERMIT IS SOUGHT:

LOT(S): Parcels G, H, I BLOCK: N/A SUBDIVISION: Seagrove Unit 4 Replat #2
STREET ADDRESS: 134 Sea Grove Main Street, St. Aug 3208

2. LOCATION: West SIDE OF A1A
(North, South, East, or West) (Street Name)
(East) (Seagrove main Street)
BETWEEN State Road A1A and Seagrove main
(Street Name) South (Street Name) Street

3. REAL ESTATE PARCEL NUMBER(S): 162963 - 0070

4. NAME AND ADDRESS OF OWNER(S) AS SHOWN IN ST. JOHNS COUNTY PUBLIC RECORDS: William Guidi - L + L Pirtton
312 View Point Place, St. Augustine, FL 32080

5. DESCRIPTION OF CONDITIONAL USE: Outdoor dining, food and beverage service
and consumption for as long as
the business is in operation

6. LAND USE CLASSIFICATION: Planned Unit Development

7. SECTION OF THE LAND DEVELOPMENT REGULATIONS FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02 and 10.03.00 - 10.03.03

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:

We applied for and have been approved for use
of the patio for the past 5 years. The outdoor seating
is desirable to the business and to our customers

9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes () or No (✓)

IF YES, WHAT WAS THE FINAL RESULT? _____

10. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- (✓) LEGAL DESCRIPTION OF PARCEL
- (✓) LIST OF ALL PROPERTY OWNERS WITHIN RADIUS OF 300 FEET OF PROPERTY FOR WHICH CONDITIONAL USE PERMIT IS REQUESTED
- (✓) STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE PERMIT LOCATION
- (✓) SURVEY (Not over two years old)
- (✓) OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a Conditional Use Permit, the undersigned understands the application becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.

(Owner or his/her agent)

(Owner/agent address)

(Owner/agent phone number)

(Date)

Monica J. Pardi
(Applicant or his/her agent)

151 Pelican Reef Drive / St. Aug
(Applicant/agent address) FL 32086

(303) 525-2844
(Applicant/agent phone number)

2/17/20
(Date) Email address: info@terraacquarestaurant.com

Date: February 24, 2020

Conditional Use File #: CU 2020-01 Application # 1698

Applicant's name: Simone & Maria Parisi

Applicant's address: 151 Pelican Reef Drive, St. Augustine, Florida 32080

For conditional use permit at: Terra & Acqua Restaurant, 134 Sea Grove Man Street, St. Augustine Beach, Florida 32080

Charges

Application Fee: \$400.00 Date Paid: 2-24-2020

Legal Notice Sign: \$7.50 Date Paid: 2-24-2020

Received by BM

Date 2-24-2020

Invoice # I-2000828

Check # 5797

Definition—Conditional Use Permit

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the City Commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

Instructions for Applying for a Conditional Use Permit

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, please attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02, which lists permitted and conditional uses for all land use districts, all conditional use permits must be heard by the Comprehensive Planning and Zoning Board, which will make a recommendation to the City Commission, which has final approval.

Documentation Needed for a Conditional Use Permit

- 1) The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lots and block number. Include street address and location by indication street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot, i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
- 2) Provide the name and address of the owner of the property. The person's name on the application should agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.
- 3) Indicate the current land use classification of the parcel under consideration. Current land use map are on display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.
- 4) Notification of all property owners within a radius of 300 feet of the property for which the conditional use permit is being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the conditional use permit is requested. **This list of names and**

addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size envelopes with the application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the conditional use permit, but these persons should not sign the application itself. Applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the conditional use permit application.

- 5) Provide the section of the land use code from which the conditional use permit is being sought. Personnel in the Building and Zoning Department will assist you in this matter if needed.
- 6) A fee of \$407.50 will be charged for the conditional use permit administrative procedure, which includes the legal notice sign, and legal advertising. The applicant will be required to post the legal notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.
- 7) A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which the application was considered. Each final order shall contain findings upon which the City Commission's order is based and may include such conditions and safeguards prescribed by the Commission as appropriate in the matter, including reasonable time limits which action pursuant to such order shall be begun or completed or both.
- 8) Appeal of decisions on conditional use permits granted by the City Commission shall be made to the Circuit Court of St. Johns County, Florida.
- 9) The application must be signed by the owner of the property for which the conditional use permit is requested and/or the owner's authorized agent. All authorized agents must provide notarized written authorization, which must accompany the application, approving such representation.

Limitations on Granting a Conditional Use Permit

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission may adopt the following conditions to any permit:

- 1) That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
- 2) The time within which the use shall be commenced may be extended for a period of time longer than

one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

- 3) Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
- 4) The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.



City of St. Augustine Beach

2200 A1A SOUTH
ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM

CITY MGR. (904) 471-2122
FAX (904) 471-4108

BLOG. & ZONING (904) 471-8758
FAX (904) 471-4470

Owner's Authorization Form

Monica Parosi (owner of Terrat Acqua) is hereby authorized TO ACT ON BEHALF OF

William Guidi (owner of L + L Pinton) the owners(s) of the property described in the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning or conditional or special use permit or other action pursuant to an application for:

Conditional Use Permit (For outdoor Dining)

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Signature of Owner(s) William Guidi

Printed Name(s) WILLIAM GUIDI

Address of Owner(s) 312 View Point Place, St. Augustine, FL 32080

Telephone Number of Owner(s) (516) 459-1072

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 24th day of February, 2020

by William Guidi, who is personally known ☒ or who has produced identification (type of identification produced) Passport

Signature of Notary Public—State of Florida Bonnie Jean Miller

Notary Stamp/Seal/Commission Expiration Date:



Bonnie Jean Miller
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FP942381
Expires 3/30/2020



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	1629630070
Location Address	132 SEA GROVE MAIN ST 134 SEA GROVE MAIN ST 138 SEA GROVE MAIN ST SAINT AUGUSTINE 32080-0000
Neighborhood	Seagrove St. Augustine Beach (COM) (2301.03)
Tax Description*	61/56-58 SEAGROVE ST AUGUSTINE BEACH UNIT 4 REPLAT #2 PARCELS G H & I OR3924/978 *The Description above is not to be used on legal documents
Property Use Code	Community Shopping Centers (1600)
Subdivision	Seagrove St. Augustine Beach Unit 4 Replat #2
Sec/Twp/Rng	33-7-30
District	City of St. Augustine Beach (District 551)
Millage Rate	16.9195
Acreage	0.340
Homestead	N

Owner Information

Owner Name	L & L Pison Inc 100%
Mailing Address	312 VIEW POINT PL SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2020
Building Value	\$733,710
Extra Features Value	\$10,152
Total Land Value	\$962,715
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,706,577
Total Deferred	\$0
Assessed Value	\$1,706,577
Total Exemptions	\$0
Taxable Value	\$1,706,577

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
\$683,311	\$6,653	\$962,715	\$0	\$0	\$1,652,679	\$1,652,679	\$0	\$1,652,679
\$690,903	\$7,170	\$962,715	\$0	\$0	\$1,660,788	\$1,585,239	\$75,549	\$1,585,239
\$470,726	\$7,685	\$962,715	\$0	\$0	\$1,441,126	\$1,441,126	\$0	\$1,441,126
\$478,702	\$8,202	\$962,715	\$0	\$0	\$1,449,619	\$1,449,619	\$0	\$1,449,619
\$486,300	\$8,718	\$962,715	\$0	\$0	\$1,457,733	\$1,457,733	\$0	\$1,457,733
\$362,078	\$7,405	\$518,385	\$0	\$0	\$887,868	\$808,849	\$79,019	\$808,849
\$420,170	\$7,820	\$307,327	\$0	\$0	\$735,317	\$735,317	\$0	\$735,317
\$420,170	\$8,234	\$307,327	\$0	\$0	\$735,731	\$735,731	\$0	\$735,731
\$396,415	\$8,229	\$340,653	\$0	\$0	\$745,297	\$745,297	\$0	\$745,297
\$461,498	\$8,614	\$377,680	\$0	\$0	\$847,792	\$847,792	\$0	\$847,792

Building Information

Building	1
Actual Area	12710
Conditioned Area	12192
Actual Year Built	2007
Use	Neighborhood Shopping Centers (Low)
Style	04
Class	N
Exterior Wall	Concrete Stucco

Roof Structure	Wood Truss
Roof Cover	Modular Metal
Interior Flooring	Concrete Finish
Interior Wall	Drywall
Heating Type	Air Duct
Heating Fuel	
Air Conditioning	Central
Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Foundation	Concrete Perimeter Footing	100%
Condition	Good	100%
Electrical	Average	100%
Floor System	Concrete Slab	100%
Insulation	2" Fiberglass	100%

Description	Conditioned Area	Actual Area
BASE AREA	12192	12192
CANOPY (COMMERCIAL)	0	182
CANOPY (COMMERCIAL)	0	96
CANOPY (COMMERCIAL)	0	240
Total SqFt	12192	12710

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	64	8	0	512
Concrete Paving	0	0	0	0	3384
Gate	0	0	0	0	144
Steel Door	0	8	6	0	48
Aluminum Fence (4' - 6')	0	0	0	0	60

Land Information

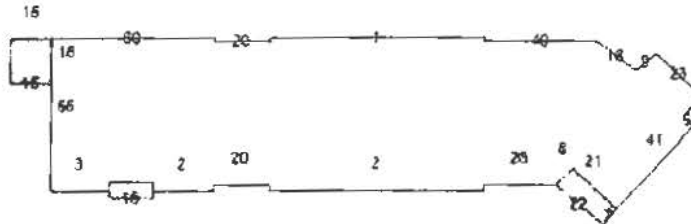
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Community Shopping Centers	0	0	4718	SF	\$306,670
Community Shopping Centers	0	0	4950	SF	\$321,750
Community Shopping Centers	0	0	5143	SF	\$334,295

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/2/2014	8/27/2014	\$1,788,800.00	WD	2224	973	Q	I	SEAGROVE PROPERTY HOLDING COMPANY LLC	L & L PIRTON INC
9/2/2014	8/14/2014	\$100.00	QC	2824	967	U	I	JNM BEACHSIDE DEVELOPMENT INC	SEAGROVE PROPERTY HOLDING COMPANY LLC
	4/4/2005	\$750,000.00	WD	2411	1497	U	V	JNM BEACHSIDE DEVELOPMENT LTO	SEAGROVE PROPERTY HOLDING COMPANY LLC

Sketch Information

Room Type	Area
OCN	0
Base	0



No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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File Saved: 2/24/2020 11:44:32 PM

Developed by



February 2, 2020

**BEFORE THE CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

In re:

**APPLICATION OF SIMONE AND MONICA PARISI,
FOR CONDITIONAL USE PERMIT APPROVAL
FOR OUTDOOR DINING, FOOD AND BEVERAGE
SERVICE AND CONSUMPTION AT
134 SEAGROVE MAIN STREET,
ST. AUGUSTINE BEACH, FLORIDA 32080**

MAY 21 2015

CITY OF ST. AUGUSTINE BEACH

Public Records of St. Johns County, FL
Clerk number: 2015030047
BK: 4028 PG: 101
5/18/2015 10:40 AM
Recording \$18.50

ORDER APPROVING CONDITIONAL USE (CU 2015-01)

This CAUSE came on for public hearing before the City Commission of the City of St. Augustine Beach, Florida on May 4, 2015, upon recommendation for approval with conditions by the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, after hearing on April 21, 2015, upon Application (CU 2015-01) by Simone and Monica Parisi, for a conditional use permit to allow for outdoor dining, food and beverage service and consumption, at Terra & Acqua located at 134 SeaGrove Main Street, St. Augustine Beach, Florida 32080. The City Commission having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the Application was approved subject to the following conditions:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings.
3. The use shall expire five (5) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond May 4, 2020.
4. The use shall be conducted in such a way as to not violate City Code or become a nuisance.
5. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.
6. The use shall be non-transferable.
7. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.


8. A violation of the conditions listed above shall void the conditional use granted herein.

Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

DONE AND ORDERED this 4th day of May, 2015, at St. Augustine Beach, St. Johns County, Florida.

**CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

Attest:



By:


Mayor, Commissioner

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Conditional Use File No. CU 2020-01
Date: Wednesday, March 25, 2020

Please be advised that at its regular monthly meeting held Tuesday, March 24, 2020 the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve a conditional use permit application submitted for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of an existing restaurant, Terra & Acqua, in a Planned Unit Development in the Seagrove Town Center at 134 Seagrove Main Street, St. Augustine Beach, Florida, 32080.

The application was filed by Simone and Monica Parisi, 151 Pelican Reef Drive, St. Augustine, Florida, owners of Terra & Acqua Restaurant, 134 Seagrove Main Street, St. Augustine Beach, Florida, 32080, per Sections 3.02.02 and 10.03.00-10.03.03 of the City of St. Augustine Beach Land Development Regulations, PERTAINING TO PARCELS G, H, AND I, SEAGROVE ST. AUGUSTINE BEACH UNIT 4 REPLAT #2, REAL ESTATE PARCEL NUMBER 162963-0070, AKA 134 SEAGROVE MAIN STREET, SECTION 33, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 61, PAGES 56-58, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Ms. Longstreet made the motion to recommend the City Commission approve the renewal of the current conditional use permit for food and/or beverage service and consumption outside of an enclosed building at Terra & Acqua Restaurant, 134 Seagrove Main Street, for a period of 15 years, subject to the conditions that it be granted as non-transferable and valid only to the current restaurant owners and applicants, and subject to possible revocation by the City Commission upon review of complaints or issues regarding the conditional use permit. Ms. Longstreet's motion was seconded by Ms. Odom and passed unanimously 7-0 by voice-vote.