



**AGENDA  
PLANNING AND ZONING BOARD MEETING  
CITY OF ST. AUGUSTINE BEACH  
APRIL 21, 2015 7:00 PM.**

City Hall  
2200 A1A South  
St. Augustine Beach, FL 32080

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NOTICE TO THE PUBLIC

THE PLANNING AND ZONING BOARD HAS ADOPTED THE FOLLOWING PROCEDURE. PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE BOARD UNDER "PUBLIC COMMENTS."

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 29, 2015
- V. PUBLIC COMMENT
- VI. NEW BUSINESS
  - A. Conditional Use File No. CU 2015-01, for a conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the premises of a new restaurant, Terra & Acqua, in a Planned Unit Development in the SeaGrove Town Center at 134 Sea Grove Main Street, Simone and Monica Parisi, Applicants
- VII. OLD BUSINESS
- VIII. BOARD COMMENT
- IX. ADJOURNMENT

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NOTICES TO THE PUBLIC

*In accordance with the Americans with Disabilities Act, persons requiring special accommodations to participate in this proceeding should contact the City Manager's Office at least 24 hours in advance of the meeting date and time at the address listed above, or telephone 904-471-2122, or email [sabadmin@cityofsub.org](mailto:sabadmin@cityofsub.org)*

*For more information on any of the above agenda items, please call the City of St. Augustine Beach Building & Zoning Department at 904-471-8758. The agenda information may also be accessed from the meeting schedule information on the City's website at: [www.staugbch.com](http://www.staugbch.com)*



**MINUTES  
CITY OF ST. AUGUSTINE BEACH  
PLANNING AND ZONING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, JANUARY 29, 2015**

City Hall  
2200 A1A South  
St. Augustine Beach, FL 32080

**I. CALL TO ORDER**

Chairman Steve Mitherz called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**BOARD MEMBERS PRESENT:** Chairman Steve Mitherz, Vice-Chairman Jane West, David Bradfield, Roberta Odom, Elise Sloan, Zachary Thomas, Karen Zander.

**BOARD MEMBERS ABSENT:** Senior Alternate Mary McCarthy, Junior Alternate Jeffrey Holleran.

**STAFF PRESENT:** Gary Larson, Building Official; Doug Burnett, City Attorney; Max Royle, City Manager; Bonnie Miller, Recording Secretary.

**IV. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2015**

Ms. Sloan nominated Steve Mitherz for chairman. There were no other nominations.

**Motion:** to approve the nomination and election of Steve Mitherz as chairman. **Moved** by Elise Sloan, **seconded** by Jane West, passed 7-0 by unanimous voice-vote.

Ms. Odom nominated Jane West for vice-chairman. There were no other nominations.

**Motion:** to approve the nomination and election of Jane West as vice-chairman. **Moved** by Elise Sloan, **seconded** by Roberta Odom, passed 7-0 by unanimous voice-vote.

**V. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF DECEMBER 16, 2014**

**Motion:** to approve the minutes of the December 16, 2014 regular monthly meeting. **Moved** by Roberta Odom, **seconded** by David Bradfield, passed 7-0 by unanimous voice-vote.

**VI. PUBLIC COMMENT**

There was no public comment regarding any issue not on the agenda.

## VII. PRESENTATION

Chief Hardwick said this is a simple vision for a skateboard park in the City, for which he's partnered with the St. Johns County Parks and Recreation Department, Beach Services, and a volunteer committee he's formed of interested citizens, to provide a controlled and safe environment where local youths can skate and be a part of the community. Two potential sites for a skateboard park are the grassy area of the property jointly owned by the City and County, on the south side of Pier Park between the lifeguard and fire stations and the bocce courts, and Ron Parker Park, by the baseball field. The skateboard park wouldn't be open at night, but during daylight hours from sunrise to sunset, and it will also be a substation for City police officers, as he's proposing putting up cameras so officers can monitor skateboarders. This concept is just in the beginning stages, as they're applying for state and federal grants to build it, which is why he's here tonight, as grant applications require public informational meetings and feedback.

Mr. Bradfield applauded Chief Hardwick for taking the bull by the horns and coming up with an alternative place for kids to skateboard and be entertained. Of the two sites proposed, it seems obvious Ron Parker Park would be the better choice, as it has more space and parking and is currently used a lot less intensively than Pier Park, but the concept definitely deserves backing, and he thinks they should do everything in their power to support it.

Ms. Sloan agreed, and said though the site at Pier Park sounds great, it doesn't have as much space, parking and access as Ron Parker Park, which would probably be the better location. The concept, however, fits right in with what she knows the Police Department is trying to do by getting to know local youths, and have local youths know them, so they're comfortable around each other.

Ms. Odom applauded Chief Hardwick as well, and thanked him for his service.

Ms. Zander said she thinks the Pier Park location would be a natural fit, especially with the Fire Department crew in a supervisory role right next door.

## VIII. NEW BUSINESS

- A. Concept Review File No. CR 2015-01, for proposed construction of a three-story, 273-unit hotel on the former St. Augustine Beachfront Resort property site, in a commercial land use district at 300 A1A Beach Boulevard, Mr. Thomas O. Ingram, Agent for Key Beach North LLC, Applicant

Mr. Mitherz asked for ex parte communication disclosure from the Board members.

Ms. West said she had a telephone conference call about two weeks ago with Mr. Ingram, agent for the applicant, about the proposed project. There was no other ex parte disclosure.

Thomas Ingram, Akerman LLP, 50 North Laura Street, Suite 3100, Jacksonville, Florida, 32202, agent for the applicant, Key Beach North LLC, 848 Brickell Avenue, Suite 700, Miami, Florida, 33131, said he represents Diego Ardid, a principal and co-president for the developer, Key

International, who is here, along with Greg Portman, lead architect, and Paul Momberger, civil engineer. This is a two-phased project, with Phase I consisting of 180 rooms, and Phase II consisting of 93 rooms, for a total of 273 rooms. He asked Mr. Portman to walk the Board through the plans, and then they'll answer any questions from members of the Board, staff, and the public.

Mr. Burnett said the Board's job with a concept review application is simply to ask questions and provide comments and feedback to the developer. The Board will not make a recommendation to the City Commission or vote to approve or deny the application, but staff will be taking notes, as some of the issues and concerns that may be raised in the review of the plans may need to be investigated further before this comes back before the Board for final development approval.

Greg Portman, Raintree Architecture Inc., 5755 Dupree Drive, Atlanta, Georgia, 30327, said his company is better known as "PFVS," which is its brand. He provided a video presentation showing the basic architectural design and character of the proposed hotel and amenities, with the bottom level consisting of parking underneath the hotel building, to achieve the minimum floor elevation level for flood requirements; a beach restaurant and bar area proposed in the middle of the site; and the expansion area of Phase II on the northern side of the property.

Mr. Mitherz said the application references 207 parking spaces for the 180 hotel rooms in Phase I, which meets the City's parking requirements of 1.15 parking spaces per hotel unit. An additional 107 parking spaces will be required with the 93 rooms to be added to the hotel in Phase II, but the application only references a total of 266 parking spaces. Also, from what he can see, the height of the hotel building will be 35 feet, with elevator shafts and air-conditioning units on top. He asked what the height will be with these accessory structures on top of the roof.

Mr. Ingram said the City's parking requirements of 1.15 spaces per hotel room will be met or exceeded for the 180 hotel rooms in Phase I, which is what this concept review application primarily focuses on, so they'll cross the bridge of providing more parking for the additional rooms to be added in Phase II when they come to it. The building height will be 35 feet from the minimum elevation requirements mandated by the State of Florida building codes for construction seaward of the Coastal Construction Control Line, with the allowance of an additional 10 feet for elevator shafts, the cupolas shown on the renderings of the front facade of the hotel, and like mechanical equipment. The porte-cochere in front of the hotel is designed to minimize the height, as it is a three-story structure, and they don't want it to look taller. The hotel will include meeting space, which the former hotel also had, on the south side, and the new owners wanted him to mention they hope to bring back some of the vibrancy of the old hotel, which he's heard in its day was quite popular, as it will be a great place for weddings, conferences, and the use of the ballroom.

Ms. Zander asked for an estimate of the average price point of rooms, which look like they're all suites, and how many people will be employed at the new hotel.

Diego Ardid, co-president of Key International, 848 Brickell Avenue, Suite 1100, Miami, Florida, 33131, owner and developer, said yes, all of the rooms will be suites, with an average price range in the high \$100's to low \$200's per night. He estimated the hotel will have about 65-70 full-time employees when Phase I is completed.

Mr. Bradfield asked if the existing concrete seawall, which is underneath the sand, on the beach

side of the property between the ocean and the existing building, has been taken into consideration in the design of the new hotel. He believes there's a 50-year commitment to keep the beach renourished, as erosion is ongoing, and at some point, the old seawall is going to be exposed.

Paul Momberger, Zev Cohen Associates Inc., 4475 US 1 South, Suite 601, St. Augustine, Florida, 32086, civil engineer, said it would be their intent to maintain the seawall in its current location. In the event of a situation in which the seawall is exposed, there would be some temporary construction, such as wood steps, to maintain beach access. The dune restoration plantings are in place to hopefully renourish the dune and help keep the beach in place, but sand is going to migrate, there's no stopping it. However, this area is pretty much outside the area of all the improvements.

Ms. West suggested the developers talk to the County about creating pedestrian access from the hotel directly to the County parking lot on the north side of the hotel property, as this parking lot is contiguous to Anastasia State Park, a wonderful amenity to have next door and one which hotel guests could be encouraged to explore. She's a little concerned about the height of the building, so she appreciates the architectural design techniques used to try to hide, as much as possible, the air-conditioning units and other mechanical equipment on the roof, to minimize the building height. She'd like to see more dune vegetation and canopy trees, as opposed to cabbage palms, in the landscaping plan, as she thinks this is a very exposed area. She also encouraged incorporating renewable energy sources, solar in particular, and water conservation and efficiency techniques for landscaping as part of the project, as she thinks this would be innovative, and a draw, as the City would be really proud to have a truly green hotel. Obviously, lighting restrictions for sea turtle nesting season will have to conform to code on the oceanfront side of the property, but she's not sure what the lighting requirements are on the north side, which is really totally undeveloped space, but she strongly encourages restrictive lighting there as well. She also has concerns about parking, but overall, she's thrilled with the submitted conceptual plans, and though she'd like to see it vamped up a little, from a purely aesthetic standpoint, she's very excited about this project.

Ms. Sloan said her first thought when she saw the plans for the new hotel was that it doesn't have an oceanfront restaurant, which she thinks is really a missed opportunity with this kind of property. People visiting here want to eat dinner at an oceanfront restaurant, but they have to drive north or south out of the City limits to find one. Beachcomber Restaurant on A Street is behind the dunes, so you really can't much of the ocean, even sitting outside. The plans, however, look beautiful, and certainly show an upscale development which would be very nice to have in this location.

Mr. Thomas said he's pretty excited about the project, as long as the building height doesn't get out of control and it doesn't get really tall. He agreed with the previous comment about having less cabbage palms and more landscaping respective to the area, as they're not in a tropical climate like the Bahamas, but overall, this is a huge contrast to what previously existed on this site.

Ms. Odom said she's impressed as well, because when you make that turn along A1A Beach Boulevard into the northern end of the City limits, this property is the first thing you see, and what you see now is an eyesore, it's just horrible. She's looking forward to this, and can't wait until the developers come back before the Board with the final development plan. However, as she's on the turtle patrol, she does have concerns about the sea turtles nesting in that area.

Mr. Mitherz asked for public comment.

William Rosenstock, 57 White Court, St. Augustine Beach, Florida, 32080, agreed with the previous comment that the City really needs a restaurant open to the public on the beach. If you go to any major beach resort, you can walk along the beach and find nice restaurants and tiki bars open to the public, so even locals can fall off the beach and think they're on vacation. However, St. Augustine Beach doesn't have these amenities, even though the beaches are public. Another issue he has is that he loves public parking, and currently, Salt Life Restaurant uses the hotel parking lot for their employee and customer parking, but he assumes once the new hotel is built and open for business, Salt Life will have to find parking elsewhere. Those vehicles have got to go somewhere, and he hasn't heard anyone address this. He's talked to Chief Hardwick who said he's working with the County, the City, and local hotel and restaurant owners to try to put parking along the north right-of-way of Pope Road adjacent to the State Park, because there's a lot of right-of-way there that could be used for public parking, which is desperately needed in this area. Anything the new hotel developers could contribute to this effort would be great. People say a lot of things about Don Craven, the former hotel owner, not keeping the property up to standards, but nobody gives him the praise he deserves for keeping a large part of his property open to the public and allowing public parking on it. He always kept at least 50-100 parking spaces open to the public, so surfers and beachgoers had an alternative place to park, but the City has lost this public parking now, with this new hotel being built. He understands the new owners need this parking for guests in their new, upscale hotel, but he asked them to work with the City and the County to come up with alternative public parking, especially along Pope Road.

Joseph Cearley, 27 Lockhart Lane, St. Augustine Beach, Florida, 32080, said he thinks what's been presented, though he knows it's just conceptual, is wonderful, but he's also concerned about parking at the Pope Road and Pier Park beach accesses. He heard the hotel will have 266 parking spaces at its total build-out, but also heard 65-70 people will be employed there, and he doesn't think the overall 266 parking spaces take into account parking for employees. He asked what ancillary uses of the hotel, such as the 4,000-square-foot ballroom, will be accessible to non-patrons of the hotel, for weddings, proms, etc., as non-hotel patrons utilizing the ballroom and attending conferences would obviously also need a place to park. Based on the City's parking requirements of 1.15 parking spaces per hotel room, and adding in 65 parking spaces for employees, he comes up with a total of 379 parking spaces, so at only 266 parking spaces, parking is already well below minimum requirements, without taking into account additional parking for employees and non-hotel patrons attending conferences, weddings, ballroom and other events.

Ms. West said parking is a problem, but it's also a problem Salt Life Restaurant needs to address, as Salt Life has been using the hotel property for parking. She'd like to encourage the developers to take advantage of what she sees as a unique opportunity to promote alternative forms of transit, and put their thinking caps on to come up with creative ways of solving the parking issue, perhaps by offering free bicycle rentals to guests, and/or providing a shuttle service to accommodate guests attending weddings, ballroom, and other special events to and from the shopping center adjacent to Amici's Restaurant, which has plenty of spare parking available, for example.

Ms. Zander said she thinks they need to consider the economics of the parcel and the project. In order to pull the project off, the developers have to be able to get a return on their investment, and to do this, they have to get the highest and best use of the parcel, otherwise, they probably won't go ahead with the project. She thinks what's been presented is a beautiful conceptual plan, and she doesn't really have an issue with the height, as she doesn't want to see skyscrapers, but also doesn't

think 35 feet is a magical number. If they want to see a really nice project on this parcel, the developers need to be allowed to do some of the things they want to do to help them pull it off.

Mr. Mitherz asked for an estimate as to when this will come back before the Board in the form of a final development application.

Mr. Larson said this is an established site, not new construction from the ground up on previously vacant land, so all the utilities are already in place, and requirements such as environmental and historical studies will be waived. The main items required on the final development application checklist include the Department of Environmental Protection and St. Johns River Water Management District permits, so once these two items are in place, the developers can move forward with submittal of their final development application. Traffic concurrency isn't an issue, as the new hotel will probably only add, at the most, a 10 percent increase in traffic on the Boulevard, which is currently running at about 57 percent capacity.

Ms. Zander said sometimes the Board has applicants who are unprepared to answer questions or who have not put the level of detail which this application has into their applications, so she'd like Mr. Ardid to know she really appreciates that he put enough importance on this meeting to attend it himself, and that he also brought his senior team members with him to appear before the Board to answer questions and address the concerns of the Board members and the public.

Mr. Bradfield said he agrees, and thinks this is a phenomenally well thought-out plan that is far-and-away the best hotel plan he's ever seen submitted in this City. The developer's attention to detail and the fact that he's here, listening to all the comments and addressing the issues, makes a big statement as to what he'd like to bring to the City. He's happy to see this, and so glad the developer and his team are interested in St. Augustine Beach.

Mr. Ingram thanked the Board members for their feedback and support, and said he wanted to clarify that the restaurant, and bar area outside by the pool, though intended to accommodate hotel guests, will also be open to the public, and there will be outdoor dining space. Regarding parking, as he understands, the City's parking requirements for the rooms in Phase I have been met, but the direction from the Board is that they'll have to come back to address the parking for Phase II.

Mr. Bradfield said St. Johns County Administrator Michael D. Wanchick's letter to City Manager Max Royle made a comment relevant to parking specific to the ballroom and meeting space and stated the total parking demand would be somewhere between 309-339 parking spaces, with the parking needs for the ballroom and meeting space in the range of 36-66 additional spaces. So the County is recognizing the City's parking requirements of 1.15 parking spaces for each hotel room as being exactly that, but not inclusive of additional parking spaces that will be needed for the ballroom and meeting rooms.

Ms. Zander said she doesn't think the current parking issue is something the hotel developers should necessarily have to address, as it isn't something they've created, but she thinks it would behoove them to try to work with the Salt Life group to come up with a solution that could be presented to the community to alleviate the parking issues.

Mr. Ingram said in terms of the homework that needs to be done before coming back with a final

development plan, they have more work to do on a more detailed landscaping plan compatible and appropriate to the St. Augustine Beach area, with more canopy trees, as suggested; more detailed architectural drawings need to be provided; sea turtle lighting needs to be addressed; contact is encouraged with the appropriate agencies about pedestrian access and connectivity from the hotel to the County parking lot and State Park to the north of the hotel property site; and the utilization of renewable energy sources and water conservation techniques are strongly encouraged. Aside from these issues, he asked if, from a conceptual standpoint, the submitted plans are okay.

Mr. Bradfield said aesthetically the plans look great, but some of the details might need to be tweaked.

Mr. Larson said the landscaping plan will be a separate submittal which will go before the City's Beautification Advisory Committee, whose prime function is to review and approve landscaping plans. Also, if Mr. Ingram will forward him a preliminary set of engineering plans for the site, he'll forward them to the City's engineers, so they can coordinate everything with the City's Public Works Director, who is also a professional engineer.

Mr. Portman said they've tried to maximize the amount of parking spaces, so the conceptual plans show almost the entire site covered in parking, with standard-sized, code-compliant parking spaces and the sufficient number of handicap-accessible parking spaces. There's no more land to put additional parking on, unless beach amenities, the swimming pool, and other items, such as the ballroom, are eliminated. There is parking at Pier Park parking lot immediately to the south of the hotel property site, and he's guessing this parking is used more intensively by the public during the day, rather than at night, so maybe there's a way for some of this parking to be shared with restaurants open at night for dinner. During special events at the hotel, such as weddings in the ballroom or conferences, they'll probably opt for a valet service for guests attending these events, so their vehicles can be parked off-site and they can be shuttled to and from the hotel.

Ms. Zander said as parking is becoming more of a hot-button issue with residents, her suggestion to the developers as they move forward with this is to make sure they take into account the parking impact their project will have, including the fact that parking currently utilized by other businesses will no longer be available to these businesses when the hotel project is completed.

- B. Ordinance No. 15-01, passed on first reading by the City Commission at its January 5, 2015 regular monthly meeting, to adopt regulations pertaining to approval of modifications to Planned Unit Developments

Mr. Burnett said the short overview of this ordinance is that there is nothing in the City's Land Development Regulations that spells out a definitive way to modify final development plans for minor and major developments, including developments submitted as a Planned Unit Development (PUD). This ordinance amends the Land Development Regulations to provide clear direction as to the exact process to be followed for extending and/or modifying final development plans for minor and major developments, including projects done as a PUD.

**Motion:** to recommend the City Commission adopt Ordinance No. 15-01, passed on first reading by the Commission at its January 5, 2015 regular monthly meeting, as written. **Moved** by Karen Zander, **seconded** by Jane West, passed 7-0 by unanimous voice-vote.



IX. OLD BUSINESS

There was no old business.

X. BOARD COMMENT

Ms. Sloan said during discussion of the food truck issue at one of the Board's previous meetings, she asked if ice cream trucks were allowed in the City, and Mr. Larson said no. She asked if Sea Grove, which is a PUD, has the ability to have an exception and create its own rules and regulations to allow ice cream trucks only within this specific subdivision.

Mr. Larson said that's probably a question for Mr. Burnett, as the City's legal counsel, but as far as he's concerned, a subdivision or community association has no authorization to override City Code, which, per the Land Development Regulations, prohibits mobile food vendors from selling food and/or beverages outside of an enclosed building.

Ms. West asked if an ice cream truck is considered a prohibited use, and a mobile ice cream vendor came into the City limits, would this be a code enforcement issue, or a Police Department issue?

Mr. Larson said it would probably be a code enforcement violation.

Mr. Bradfield asked who he would talk to about the beach renourishment schedule, and said he hopes the developers for the conceptual plans presented to the Board this evening have been advised about the beach renourishment schedule and what goes on relevant to it.

Mr. Royle said St. Johns County Public Works Department Director Neal Shinkre would be the contact person for the beach renourishment schedule.

Mr. Larson said the first big step for the hotel developers is to get the engineering for the site done, as the in-ground stormwater retention system will be built underneath, and will probably encompass, most of the parking area shown on the conceptual plans.

XI. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

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Steve Mitherz, Chairman

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Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM OR BY CONTACTING THE OFFICE OF THE CITY MANAGER AT 904-471-2122.)

# Memorandum

TO: Comprehensive Planning and Zoning Board Members

FROM: Gary Larson, Director of Building and Zoning

DATE: April 15, 2015

RE: Conditional Use for New Restaurant

This request is the same that was previously placed before the Board for Mermaid's Restaurant, which recently went of business. The new restaurant owners for Terra & Acqua are Simone and Monica Parisi. The application includes the owner's authorization form allowing the Parisis to act on behalf of L & L Pirton Inc., Mr. William Guidi, president, the owner of the property.

The application is for outside food and beverage service, the same as the City allowed for the Groove Restaurant, which previously occupied this site. The new restaurant owners are requesting a five-year conditional use permit based on their lease being a time period of five years. Staff recommends approval as requested.

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 SeaGrove Main Street

2. LOCATION: West SIDE OF State Road A1A South at A Street  
(North, South, East, or West) (Street Name)

BETWEEN State Road A1A South and SeaGrove Main Street  
(Street Name) (Street Name)

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

4. NAME AND ADDRESS OF OWNER AS SHOWN IN THE ST. JOHNS COUNTY PUBLIC RECORD: L & L Pirton Inc., 312 View Point Place, St. Augustine, Florida, 32080

5. DESCRIPTION OF CONDITIONAL USE: Food and/or beverage service and consumption outside of an enclosed building on the premises of a new restaurant, Terra & Acqua, in the SeaGrove Town Center at 134 SeaGrove Main Street, for five years, which is the same as new restaurant owners' first lease term

6. LAND USE CLASSIFICATION: Planned Unit Development

7. SECTIONS OF THE LAND USE CODE FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS: Patio on restaurant premises has been successfully used for outdoor seating and dining for several years (see attached conditional use order granted July 11, 2011 for "The Groove Café," previously at this same location).

9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes ( ) or No ( X ) No application has been submitted during the past year by current applicants.

IF YES, WHAT WAS THE FINAL RESULT? \_\_\_\_\_

PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- (X) LEGAL DESCRIPTION OF PARCEL
- (X) LIST OF ALL PROPERTY OWNERS WITHIN 300' RADIUS
- (X) STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE LOCATION.
- (X) 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.

William Gunder  
(Owner or his/her agent)

312 View Point Pl.  
(Owner/agent address)

904 471 5109  
(Owner/agent phone number)

3/25/2015  
(Date)

Mon. Flanz  
(Applicant or his/her agent)

484 High Tide Drive  
(Applicant/agent address)

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

3/25/2015  
(Date)

**\*\*ALL AGENTS MUST HAVE NOTARIZED WRITTEN AUTHORIZATION\*\***

THE CITY OF ST. AUGUSTINE BEACH  
BUILDING DEPARTMENT

PERMIT NO. CU2015-01 RECEIPT NO. 23766 DATE March 26, 2015

NAME OF APPLICANT(S) Simone and Monica Parisi

ADDRESS 484 High Tide Drive, St. Augustine Beach, Florida 32080

FOR PERMIT ADVERTISING LOCATED AT: Terra & Acqua, 134 SeaGrove Main Street,

St. Augustine Beach, Florida 32080

CHARGES

PERMIT FEE: \$200.00 (Account #34120)

ZONING SIGN FEE: \$7.50 (Account #50471)

DATE PAID: March 26, 2015

CHECK #: 7223

SIGNED BY: 

## **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, 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 CONDITIONAL USE PERMIT APPLICATION**

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 lot and block number. Include street address and location by indicating 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. This person's name should agree with the public records of St. Johns County as they exist on the application. If the names are different, attach a clarifying statement.
3. Indicate the current land use classification of the parcel under consideration. Current

land use maps are on public 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. The person(s) seeking the permit are mandated by law to notify all land and home owners within a radius of 300 feet of the parcel under consideration in the conditional use permit application.

The St. Johns County Real Estate and Survey Department, telephone number 904-209-0760, will provide a list of the names and addresses of all property owners within a 300-foot radius of the parcel for which the conditional use permit application is submitted. The list of names and addresses (which must include the applicant), along with stamped, addressed legal-size envelopes are to be included with the permit application. (NOTE: Do not fill in a return address on the envelopes. The Building and Zoning Department will stamp the return address and mail the legal notices to the property owners.)

Signatures and approvals of those within 300 feet are not necessary, but their names and addresses must be provided. The person seeking the permit may provide a separate petition containing the signatures of adjoining property owners, but these persons should not sign the application itself. Be sure to provide correct names and addresses, as incorrect information will delay or nullify any action on the application.

5. Provide the section of the Land Use Code from which the permit is being sought. Personnel in the Building Department will assist you in this matter.

A fee of \$207.50 will be charged for the conditional use permit administrative procedure, which includes the zoning notice sign, and legal advertising. The applicant will be required to post the zoning 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.

A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which such request was considered. Each final order shall contain findings upon which the City Commission's order is based, and may include such conditions and safeguards as prescribed by the Commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

Appeal of decisions on conditional use permits made by the City Commission shall be made to the Circuit Court of St. Johns County.

The application must be signed by either the owner or by the owner's authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

### **LIMITATIONS ON GRANTING CONDITIONAL USE PERMITS**

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

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

## Owner's Authorization Form

Monica Parisi is hereby authorized TO ACT ON BEHALF OF

L & L Pirtan, Inc. / William Guidi, 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 Patio (Food & Beverage Service & Consumption)

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

Telephone Number of Owner(s) 904 471 5109

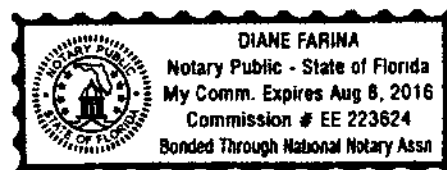
State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of MARCH, 2015.

by WILLIAM GUIDI, who is personally known ☒ or who has produced identification (type of identification produced) \_\_\_\_\_

Signature of Notary Public—State of Florida Diane Farina

Notary Stamp/Seal/Commission Expiration Date:



Property Record Card							
STRAP	1629630070	Tax District	551				
Mailing Address		Neighborhood Code	2301.03				
312 VIEW POINT PL, SAINT AUGUSTINE, FL, 32080-0000		Use Code/Description	1600/Community Shopping Centers				
		Sec-Town-Range	33 - 7 - 30				
Site Address		Property Map	<a href="#">Click here for Desktop</a> <a href="#">Click here for Mobile</a>				
132 SEA GROVE MAIN ST SAINT AUGUSTINE, 32080-0000							
Total Land Value	\$0.00	Acreage	0.34				
Total Building Value	\$0.00	Total Market(Just) Value	\$1,408,400.00				
Total Extra Features	\$0.00	Assessed Value	\$1,408,400.00				
Homestead Exempt	\$0.00	Taxable Value	\$1,408,400.00				
Owner Name(s)		Legal Description					
L & L PIRTON INC		51/56-58 SEAGROVE ST AUGUSTINE					
		BEACH UNIT 4 REPLAT #2					
		PARCELS G H & I OR3924/978					
Sales Information							
Sale Date	Adjusted Price	Book&Page	Instrument Code	Qualified	Vacant or Improved	Reason Code	
08/27/2014	\$1,788,800.00	3924 & 978	WD	Q	I	01	
08/14/2014	\$100.00	3924 & 967	QC	U	I	11	
04/04/2005	\$750,000.00	2411 & 1497	WD	U	V	11	
Building Number 1							
Site Address:		132 SEA GROVE MAIN ST SAINT AUGUSTINE, 32080-0000					
Building Type/Desc:		1601/Neighborhood Shopping Centers	Building Model/Desc:		04 /COMMERCIAL BLDGS		
Year Built:		2007	Heated/Cooled Area:		12306		
Gross Area:		12306	Building Sketch (Descriptions)		<a href="#">click here to see sketch</a>		
Building Value:		\$0.00					
Structural Elements (Descriptions)							
Building Number	Element Code	Element Description	Type Code	Type Description			
1	EW	Exterior Wall	15	Concrete Stucco			
1	RS	Roofing Structure	13	Wood Truss			
1	RC	Roofing Cover	10	Modular Metal			
1	IW	Interior Walls	3	Drywall			
1	IF	Interior Flooring	4	Concrete Finish			
1	HT	Heating Type	1	Air Duct			
1	AC	Air Conditioning	1	Central			
1	FR	Frame	3	Masonry			
1	FN	Foundation	5	Concrete Perimeter Footing			
1	CN	Condition	4	Average			
1	EL	Electrical	2	Average			
1	FS	Floor System	1	Concrete Slab			
1	IN	Insulation	23	2" Fiberglass			
Extra Features							
Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition %	Depreciated Value
MSWALL	MS/CB WALL	2007	512.00	0.00	0.00	68.0	\$0.00
CONC	CONC PAV 4	2007	3384.00	0.00	0.00	68.0	\$0.00
GATE	GATE	2007	144.00	0.00	0.00	68.0	\$0.00
OHDOOR	STEEL DOOR	2007	48.00	0.00	0.00	60.0	\$0.00
AFENCE	4'-6' ALUM FENCE	2011	60.00	0.00	0.00	73.4	\$0.00
Previous Parcel (1629630060)				Next Parcel (1629630080)			

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

In re:

**APPLICATION OF SEAGROVE PROPERTY  
HOLDING COMPANY, FOR  
CONDITIONAL USE PERMIT APPROVAL  
FOR OUTDOOR DINING, FOOD AND BEVERAGE  
SERVICE AND CONSUMPTION AT  
128 SEAGROVE MAIN STREET,  
ST. AUGUSTINE BEACH, FLORIDA 32080**

**Public Records of  
St. Johns County, FL  
Clerk # 2011035879,  
O.R. 3456 PG 602-603  
07/20/2011 at 11:22 AM,  
REC. \$9.00 SUR. \$9.50**

**ORDER APPROVING CONDITIONAL USE (CU 2011-03)**

This CAUSE came on for public hearing before the City Commission of the City of St. Augustine Beach, Florida on July 11, 2011 upon recommendation for approval with conditions by the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, after hearing on June 21, 2011, upon Application (CU 2011-03) by SeaGrove Property Holding Company, for a conditional use permit to expand the existing restaurant to allow for outdoor dining, food and beverage service and consumption, at The Groove Café located at 128 SeaGrove Main Street, St. Augustine Beach, Florida 32080 more particularly described as Parcels G, H, and I, SeaGrove Unit 4, Replat #2. 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 unique location and position of the restaurant within the Sea Grove Town Center warrants allowing outdoor music in connection with the conditional use. Outdoor music shall be limited as follows:

Monday through Sunday

10:00 am to 10:00 pm

4. The use shall expire three (3) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond July 11, 2014.
5. The use shall be conducted in such a way as to not violate City Code or become a nuisance.

6. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.
7. The use shall be non-transferable.
8. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.
9. 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 11th day of July, 2011, at St. Augustine Beach, St. Johns County, Florida.

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

Attest: \_\_\_\_\_

City Manager

By: \_\_\_\_\_

Mayor, Commissioner

*Rich E. Brien*