



**GROWTH MANAGEMENT DEPARTMENT STAFF REPORT**  
**SOUTH ANASTASIA OVERLAY DISTRICT**  
**December 15, 2022 Public Meeting**  
**NZVAR 2022-11 Biera Mar Mixed-Use Development**

**To:** South Anastasia Design Review Board  
**Staff:** Sloane Stephens, Planner  
**Date:** December 8, 2022

**Applicant:** Blair Knighting, AICP  
Kimley-Horn and Associates, Inc.  
12740 Gran Bay Parkway W, Suite 2350  
Jacksonville, FL 32258

**Location:** 5100 A1A South  
**Zoning / FLUM:** Commercial General (CG) / Residential-C (Res-C)

**Applicable Land Development Code Standards:** Part 10.04.03: Non-Zoning Variances  
Part 3.07: South Anastasia Overlay District  
Part 3.07.05: Minimum Yard Requirements  
Part 3.07.06: Buffers

**Summary of Request:** The applicant requests a Non-Zoning Variance to Section 3.07.05.A.6 of the Land Development Code to allow for a 10-foot separation between buildings in lieu of the required 20-foot separation, and Section 3.07.06.A.2 to allow for a 5-foot buffer in lieu of the required 10-foot buffer, for a proposed mixed-use structure located within the South Anastasia Overlay. This is a companion application to SADR 2022-03.

**STAFF REVIEW**

**Planning & Zoning**

This Variance is seeking relief from two requirements of the LDC; Section 3.07.05.A6 and 3.07.06.A2. The first is to reduce the minimum separation between buildings from 20 feet to 10 feet. The second request is to allow the new building to be constructed 5 feet from the southern property boundary in lieu of 10 feet.

The applicant has provided a proposed site plan of the site, as well as a Narrative to justify the approval of their request in accordance with LDC Section 10.04.03.B. Staff notes the subject property and the property abutting to the south are owned and operated by the same owner.

## Applicable Land Development Code Sections

### LDC Section 10.04.03 – Non-Zoning Variances To Be Considered As Part Of Development Review

*Applicant responses can be found in italics under the respective findings.*

#### A. Recommendation of Approval and Authority

2. If the non-zoning variance involves a deviation from the requirements of Part 3.06 thru Part 3.10 of the Code, the applicable overlay review board shall hear and determine whether to approve the item at a public hearing instead of the BCC. The Overlay review board must use the criteria in Section 10.04.03.B to approve a request to a non-zoning variance to the applicable overlay section. Appeals to overlay decisions may be appealed to the Board of County Commissioners pursuant to Section 9.07.04.

B. Required Findings: The Board shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial evidence, on each of the following:

1. There are practical difficulties in carrying out the strict letter of the regulation.

*Due to compatibility of the adjacent mixed-use building and the limited lot size being redeveloped for this project, this variance requests a decrease in the required separation between buildings from 20 feet to 10 feet and a reduced side buffer to five (5) feet. There are practical difficulties in meeting all setback and parking requirements on a site this size, however, the proposed project meets all requirements aside from the required 20 feet separation between buildings and the ten (10) foot buffer. Given the compatibility of the proposed project with the adjacent parcel, decreasing the required separation between buildings will not negatively impact the surrounding parcels. Lastly, both sites are owned and operated by the same owner, therefore the reduction in building distance will not have a negative impact on other citizens.*

2. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.

*This variance request is not motivated by a desire to reduce the cost of developing the site. The redevelopment of this site will add compatible commercial and residential use to the area, contributing to both the area's character and existing mixed-use nature. The variance is requested to achieve the highest and best use of the parcel.*

3. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.

*The variances will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public. Conversely, the proposed project will provide a connecting vehicle use area to the adjacent parcel, which will eliminate vehicles from re-entering the roadway to travel from one parcel to the other. Given the compatibility of uses and ample site access provided, the requested variances will not create any hazards to the public.*

4. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

*The proposed variances will not diminish property values in, nor alter the essential character of, the area surrounding the site. The proposed project is modeled after the adjacent parcel, providing optimal compatibility. In addition, the current owner has demolished the previous dilapidated structure which was a visual nuisance to the surrounding neighbors. The proposed new structure will emulate the renovated structure to the south. This variance requests will not have a negative impact to the community or the surrounding properties.*

5. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

*This proposed variance is in harmony with the general intent of the Land Development Code, and the specific intent of the South Anastasia Overlay District.*

#### Land Development Code Section 3.07.01 Purpose and Intent

The purpose and intent of establishing this Overlay District is to protect and preserve the “Old Florida” style, rural beach community in the South Anastasia Overlay District and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this South Anastasia Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations in the South Anastasia Overlay District; provision of architectural design guidelines within specific locations throughout the South Anastasia Overlay District; encouraging pedestrian oriented and non-urban scale to future Development; and enhancing the appearance of Development through landscaping.

*The proposed project will compliment the adjacent mixed-use development in-scale, massing, and design. As the requested variances are pertaining to the separation between the existing adjacent mixed-use development and this proposed project, it is within the purpose and intent of the Code to encourage the development of the proposed project. The proposed project fulfills the specific code objective: “clustering or complementary Uses throughout the various locations in the South Anastasia Overlay District”.*

#### Land Development Code Section 3.07.11

A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding Parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.

*The proposed project seeks to emulate the adjacent development in scale, massing and design which in turn will enhance the existing development and surrounding properties. Given the compatible nature of the buildings, and the intent to compliment the existing building, the proposed project fulfills this Land Development Code objective. However, with the limited parcel size of the proposed project, the requested variances are necessary for highest and best use of the parcel and to fulfill the intent of the Code.*

#### LDC Section 3.07.05 – Minimum Yard Requirements

A. Minimum yard requirements shall be as follows:

1. Front along State Road A1A South right-of-way: Twenty (20) feet for a Building up to and including twenty (20) feet in height; thirty (30) feet for a Building above twenty (20) feet in height.
2. Front along any other Collector: Fifteen (15) feet for Building up to and including twenty (20) feet in height; twenty-five (25) feet for a Building above twenty (20) feet in height.

3. Side: Ten (10) feet

4. Rear: Ten (10) feet if adjoining rear of existing commercial Uses, twenty (20) feet if adjoining the side of commercial uses.

6. Required separation: Minimum twenty (20) feet between Buildings.

LDC Section 3.07.06 – Buffers

A. Buffering Requirements- The minimum buffering requirements are as follows:

1. A minimum ten (10) foot buffer from the right-of-way of State Road A1A South except Scenic Highway A1A as described in 6.06.02.F.2.b.

2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of State Road A1A South and shall continue to the front or rear property line most distant from said right-of-way.

3. A minimum ten (10) foot buffer from rear property boundaries.

LDC Section 3.07.14 – Administrative Requirements: Staff review shows there are no open comments on this application. A Pre-application Meeting was not held with the Planning Division. Attached for consideration are:

Application  
Site Plan  
Justification

**CORRESPONDENCE**

Staff has received two phone calls inquiring about this project and its companion project, SADR B 22-03.

**SUGGESTED ACTION TO APPROVE**

The Design Review Board may consider a motion to approve **NZVAR 2022-11 Biera Mar Mixed-Use Development**, as described within the application and supporting documents provided:

1. There are practical difficulties in carrying out the strict letter of the regulation.
2. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

**SUGGESTED ACTION TO DENY**

The Design Review Board may consider a motion to deny **NZVAR 2022-11 Biera Mar Mixed-Use Development**, as described within the application and supporting documents provided one or more of the following:

1. There are no practical difficulties in carrying out the strict letter of the regulation.
2. The Variance request is based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed Variance will substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed Variance will substantially diminish property values in, or alter the essential character of, the area surrounding the site.
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# St. Johns County Growth Management Department

Application for:

Date  Property Tax ID No

Project Name

Property Owner(s)  Phone Number

Address  Fax Number

City  State  Zip Code  e-mail

Are there any owners not listed?  No  Yes If yes please provide information on separate sheet.

Applicant/Representative  Phone Number

Address  Fax Number

City  State  Zip Code  e-mail

Property Location

Major Access  Size of Property  Cleared Acres (if applicable)

Zoning Class  No. of lots (if applicable)  Overlay District (if applicable)

Water & Sewer Provider  Future Land Use Designation

Present Use of Property  Proposed Bldg. S.F.

### Project Description (use separate sheet if necessary)

The Applicant is requesting a reduction in the required distance between buildings and a reduction of the 10 foot side buffer to 5 feet as required by the South Anastasia Overlay. Please see attached revised justification for the request.

Please list any applications currently under review or recently approved which may assist in the review of this application including the name of the PUD/PRD:

I understand that reasonable inspections of the subject property may be made as part of the application review process. I understand that any material misrepresentations or errors contained in this application or supporting documents may void an approved application, at the reasonable determination of the County considering the Land Development Code, Comprehensive Plan, and other applicable regulations.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:  
Signature of owner or person authorized to represent this application:

Signed By \_\_\_\_\_

Printed or typed name(s)

**BIERA-MAR MIXED-USE DEVELOPMENT**  
**SOUTH ANASTASIA OVERLAY VARIANCE JUSTIFICATION**

**Project Description**

The proposed project is seeking approval for development of a mixed-use structure located at 5100 A1A South in St. Augustine, FL. The owner of the subject property also owns the existing building directly adjacent to and along A1A Blvd (5114 A1A South). Originally when the owner first purchased the property, there was a dilapidated structure on site. Due to the unsightly condition and overall deterioration, the owner demolished the structure. For the proposed new structure, the owner intends to mirror the existing building (5114 A1A South) in materials and design. The new building will consist of one (1) residential unit on the second floor and commercial uses on the first floor.

The project location is on the northern, vacant portion of Parcels 177410-0100 and 177410-0090 in the Biera Mar Subdivision and the South Anastasia Overlay District. The total building area of the project is 5,478 square feet. Located in the southeast quadrant of the SR A1A South/East Palmetto Avenue intersection in St. Johns County (SJC), this mixed-use development will meet the required parking regulations. The floor area ratio (FAR) of the development is 47%, which does not exceed the maximum 50% allowable FAR. The redevelopment has a building height of 20 feet, thereby ensuring the project does not exceed the 35-foot maximum.

This project is a highly compatible mixed-use redevelopment that will substantially improve the current parcel and compliment the existing mixed-use property to the south. This application requests two variances. The first variance is a request relief from the required 20 feet separation between buildings as specified in Section 3.07.05 of the South Anastasia Overlay Land Development Code. Due to the size constraints of the site, this variance is requesting a decrease in the required separation between buildings from 20 feet to 10 feet. The proposed 10-foot distance meets the required distance in the National Fire Code. The second variance request is similar to the first. Due to the proximity of the two buildings, Section 3.07.06A.2 is not able to be achieved. This section requires a ten (10) foot buffer along side property lines whereas the proposed site plan provides five (5) feet. The intent of the code is to ensure adjacent properties are adequately buffered from each other. However, in this situation, both lots are under the same ownership and intend to stay that way therefore this buffer is not required. Furthermore, the Land Development Code defines a Parcel as “compact Lots under single ownership” and therefore the buffer requirements should not be required in this particular situation.

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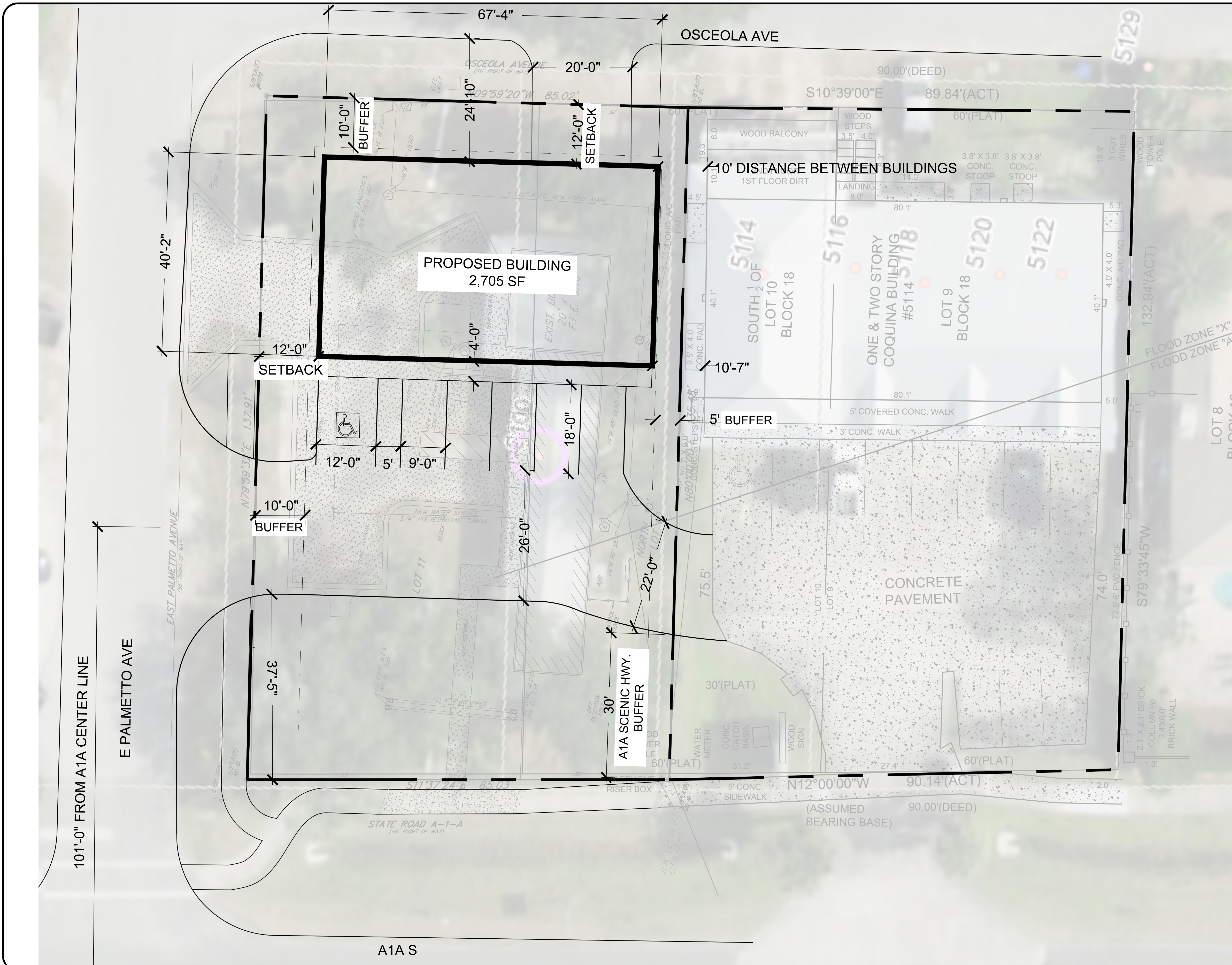
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SITE DATA TABLE	RE#	1774100100
ZONING		COMMERCIAL GENERAL
OVERLAY		SOUTH ANASTASIA
TOTAL PARCEL AREA		11,619 SF
TOTAL BUILDING AREA		5,478 SF
MAXIMUM GROSS COMMERCIAL AREA -PROVIDED		10,000 SF PER ACRE 2,600 SF
MAXIMUM FLOOR AREA RATIO (FAR) -PROVIDED		50% 47%
COMMERCIAL AREA		2,600 SF - LEVEL 1
RESIDENTIAL UNITS		1 UNIT - LEVEL 2
-AREA PER UNIT		1,500 SF
SJC PARKING REQUIREMENTS		1 SPACE / 500 SF
-COMMERCIAL LOT REQUIRED PROVIDED		6 SPACES 5 SPACES + 1 HC
-RESIDENTIAL PER UNIT REQUIRED PROVIDED		2 SPACES 2 SPACES
TOTAL:		8 REQUIRED 7 + 1 HC PROVIDED
REQUIRED SETBACKS		
-A1A REQUIRED -PROVIDED		30' 30'
-PALMETTO ROW REQUIRED -PROVIDED		12' 12'
-OSCEOLA ROW REQUIRED -PROVIDED		12' 12'
-DISTANCE BETWEEN BUILDINGS REQ. -PROVIDED		20' 10'
-MAXIMUM BUILDING HEIGHT REQ. -PROVIDED		35' 20'
REQUIRED BUFFERS		
-A1A SCENIC HWY. REQUIRED -PROVIDED		30' 30'
-PALMETTO BUFFER REQUIRED -PROVIDED		10' 10'
-OSCEOLA BUFFER REQUIRED -PROVIDED		10' 10'
-ADJACENT PROP. BUFFER REQ. -PROVIDED		10' 5'
ISR MAXIMUM -PROPOSED		65% 62.3%

# EDMONDS TRUST - CONCEPT PLAN

ST. JOHN'S COUNTY, FLORIDA



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