

Introduced and amended by the Land Use and Zoning Committee:

RESOLUTION 2026-472-A

A RESOLUTION GRANTING THE APPEAL FILED BY MICHAEL HERZBERG OF THE FINAL ORDERS ISSUED BY THE PLANNING COMMISSION APPROVING 1) ZONING EXCEPTION E-26-20, SEEKING TO ALLOW BUILDING TRADES CONTRACTOR WITH OUTSIDE STORAGE INCLUDING OVERNIGHT TRUCK PARKING, AND 2) ADMINISTRATIVE DEVIATION AD-26-21, SEEKING TO A) REDUCE THE MINIMUM WIDTH OF A DRIVEWAY FROM TWELVE (12) FEET WIDE TO TEN (10) FEET WIDE, B) REDUCE THE UNCOMPLIMENTARY LAND USE BUFFER WIDTH FROM TEN (10) FEET WIDE ALONG THE EAST PROPERTY BOUNDARY TO FIVE (5) FEET WIDE, C) REDUCE THE UNCOMPLIMENTARY LAND USE BUFFER WIDTH FROM TEN (10) FEET WIDE ALONG WEST PROPERTY BOUNDARY TO ZERO (0) FEET WIDE, AND D) REDUCE THE UNCOMPLIMENTARY LAND USE BUFFER TREES ALONG THE EAST PROPERTY BOUNDARY FROM SIX (6) REQUIRED TO FOUR (4) TREES, AND THE WEST PROPERTY BOUNDARY FROM NINE (9) REQUIRED TO SEVEN (7) TREES, IN THE CCG-2 ZONING DISTRICT FOR THE PROPERTY LOCATED AT 10344 ATLANTIC CIRCLE, BETWEEN ATLANTIC BOULEVARD AND LAWSON ROAD (R.E. NO(S). 164643-0000), PURSUANT TO SECTION 656.141, *ORDINANCE CODE*; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR NOTICE; PROVIDING AN EFFECTIVE DATE.

1
2 **WHEREAS,** Hay Ave, LLC, owner of property located in Council
3 District 4 at 10344 Atlantic Circle, between Atlantic Boulevard and
4 Lawson Road (R.E. No(s). 164643-0000) (the "Subject Property"),
5 applied to the Planning Commission for 1) Zoning Exception E-26-20,
6 seeking to allow Building Trades Contractor with outside storage
7 including overnight truck parking, and 2) Administrative Deviation
8 ad-26-21, seeking to a) reduce the minimum width of a driveway from
9 twelve (12) feet wide to ten (10) feet wide, b) reduce the
10 uncomplimentary land use buffer width from ten (10) feet wide along
11 the east property boundary to five (5) feet wide, c) reduce the
12 uncomplimentary land use buffer width from ten (10) feet wide along
13 west property boundary to zero (0) feet wide, and d) reduce the
14 uncomplimentary land use buffer trees along the east property boundary
15 from six (6) required to four (4) trees, and the west property
16 boundary from nine (9) required to seven (7) trees, in the CCG-2
17 Zoning District; and

18 **WHEREAS,** the Planning Commission denied Zoning Exception E-26-
19 20 and Administrative Deviation 26-21, by Final Orders dated May 7,
20 2026; and

21 **WHEREAS,** pursuant to Section 656.141, *Ordinance Code*, Michael
22 Herzberg, on behalf of owner Hay Ave, LLC ("Appellant"), filed a
23 notice of appeal; and

24 **WHEREAS,** such appeal was timely filed, and the Appellant has
25 standing to appeal; now therefore

26 **BE IT RESOLVED** by the Council of the City of Jacksonville:

27 **Section 1. Adoption of Recommended Findings and**
28 **Conclusions.** The Council has reviewed the record of proceedings,
29 **On File** in the City Council Legislative Services Division and the
30 Planning and Development Department, and has considered the
31 recommended findings and conclusions of the Land Use and Zoning

1 Committee. The recommended findings and conclusions of the Land Use
2 and Zoning Committee are hereby adopted. Based on the competent
3 substantial evidence in the record of proceedings, including the
4 Planning and Development Department Staff Report, the evidence
5 presented during the Land Use and Zoning Committee meeting and the
6 record of the Planning Commission, the appeal is granted. The Planning
7 Commission Final Order denying Application E-26-20 and AD-26-21 is
8 overturned, and Application E-26-20 and AD-26-21 is approved.
9 Pursuant to Section 166.033, Florida Statutes, the council hereby
10 finds:

11 (1) The Resolution shall serve as written notice to the
12 appellant/applicant, Hay Ave, LLC (c/o Michael Herzberg).

13 (2) Based on a review and application of the standards
14 and criteria set forth in Sections 656.131(c) and 656.109(h),
15 Ordinance Code, pertaining to Zoning Exceptions and
16 Administrative Deviations, and the competent and substantial
17 evidence in the record of proceedings, Application for Zoning
18 Exception E-26-20 seeking to allow building trades contractor
19 with outside storage including overnight truck parking, and
20 Administrative Deviation AD-26-21, seeking to: a) reduce the
21 minimum width of a driveway from twelve (12) feet wide to ten
22 (10) feet wide, b) reduce the uncomplimentary land use buffer
23 width from ten (10) feet wide along the east property boundary
24 to five (5) feet wide, c) reduce the uncomplimentary land use
25 buffer width from ten (10) feet wide along west property boundary
26 to zero (0) feet wide, and d) reduce the uncomplimentary land
27 use buffer trees along the east property boundary from six (6)
28 required to four (4) trees, and the west property boundary from
29 nine (9) required to seven (7) trees, in the Commercial
30 Community/General-2 (CCG-2) Zoning District sufficiently
31 demonstrates a basis for granting the request. This Resolution

is the final action of the Council.

Section 2. Notice. Legislative Services is hereby directed to mail a copy of this Resolution, as adopted, to the appellant/applicant for Application for Exception E-26-20 and Administrative Deviation AD-26-21, and any other parties to this matter who testified before the Land Use and Zoning Committee, or who otherwise filed a qualifying written statement as defined in Section 656.140(c), *Ordinance Code*.

Section 3. Effective Date. The adoption of this Resolution shall be deemed to constitute a quasi-judicial action of the City Council and shall become effective upon signature by the Council President and Council Secretary.

Form Approved:

/s/ Terrence Harvey

Office of General Counsel

Legislation Prepared By: Terrence L. Harvey

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