

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2025-455**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-25-36, FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 2 AT 9239 MERRILL ROAD, BETWEEN
8 WOMPI DRIVE AND BUSINESS PLACE (R.E. NO(S).
9 112982-0045), AS DESCRIBED HEREIN, OWNED BY
10 MEGALAND 2, LLC, REQUESTING TO REDUCE THE
11 REQUIRED MINIMUM NUMBER OF OFF-STREET PARKING
12 SPACES FROM 65 TO 33 IN ZONING DISTRICT
13 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
15 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
16 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
17 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.
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19 **WHEREAS,** an application for an administrative deviation, **On**
20 **File** with the City Council Legislative Services Division, was filed
21 by Michael Herzberg, on behalf of Megaland 2, LLC, the owner of
22 property located in Council District 2 at 9239 Merrill Road, Between
23 Wompi Drive and Business Place (R.E. No(s). 112982-0045) (the "Subject
24 Property"), requesting to reduce the required minimum number of off-
25 street parking spaces from 65 to 33 in Zoning District Commercial
26 Community/General-1 (CCG-1); and

27 **WHEREAS,** the Planning and Development Department has
28 considered the application and all attachments thereto and has
29 rendered an advisory recommendation; and

30 **WHEREAS,** the Land Use and Zoning Committee, after due notice
31 held a public hearing and having duly considered both the testimonial

1 and documentary evidence presented at the public hearing, has made
2 its recommendation to the Council; now therefore

3 **BE IT ORDAINED** by the Council of the City of Jacksonville:

4 **Section 1. Adoption of Findings and Conclusions.** The
5 Council has considered the recommendation of the Land Use and Zoning
6 Committee and reviewed the Staff Report of the Planning and
7 Development Department concerning administrative deviation
8 Application AD-25-36, which requests to reduce the required minimum
9 number of off-street parking spaces from 65 to 33 in Zoning District
10 Commercial Community/General-1 (CCG-1). Based upon the competent,
11 substantial evidence contained in the record, the Council hereby
12 determines that the requested administrative deviation meets each of
13 the following criteria required to grant the request pursuant to
14 Section 656.109(h), *Ordinance Code*, as specifically identified in the
15 Staff Report of the Planning and Development Department:

16 (1) There are practical or economic difficulties in carrying out
17 the strict letter of the regulation;

18 (2) The request is not based exclusively upon a desire to reduce
19 the cost of developing the site, but would accomplish some result
20 that is in the public interest, such as, for example, furthering the
21 preservation of natural resources by saving a tree or trees;

22 (3) The proposed deviation will not substantially diminish
23 property values in, nor alter the essential character of, the area
24 surrounding the site and will not substantially interfere with or
25 injure the rights of others whose property would be affected by the
26 deviation;

27 (4) The proposed deviation will not be detrimental to the public
28 health, safety or welfare, result in additional public expense, the
29 creation of nuisances, or conflict with any other applicable law;

30 (5) The proposed deviation has been recommended by a City
31 landscape architect, if the deviation is to reduce required

1 landscaping; and

2 (6) The effect of the proposed deviation is in harmony with the
3 spirit and intent of the Zoning Code.

4 Therefore, administrative deviation Application AD-25-36 is
5 hereby approved.

6 **Section 2. Owner and Description.** The Subject Property is
7 owned by Megaland 2, LLC, and is described in **Exhibit 1**, dated August
8 14, 2024, and graphically depicted in **Exhibit 2**, both attached hereto.
9 The applicant is Michael Herzberg, 12483 Aladdin Road, Jacksonville,
10 Florida, 32223; (904) 731-8806.

11 **Section 3. Distribution by Legislative Services.**
12 Legislative Services is hereby directed to mail a copy of this
13 legislation, as enacted, to the applicant and any other parties to
14 this matter who testified before the Land Use and Zoning Committee
15 or otherwise filed a qualifying written statement as defined in
16 Section 656.140(c), *Ordinance Code*.

17 **Section 4. Effective Date.** The enactment of this Ordinance
18 shall be deemed to constitute a quasi-judicial action of the City
19 Council and shall become effective upon signature by the Council
20 President and Council Secretary.

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22 Form Approved:

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24 /s/ Dylan Reingold

25 Office of General Counsel

26 Legislation Prepared By: Ben McKissick-Hawley

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