

1 Introduced by the Land Use and Zoning Committee:
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4 **RESOLUTION 2026-472**

5 A RESOLUTION CONCERNING THE APPEAL FILED BY
6 MICHAEL HERZBERG OF THE FINAL ORDERS ISSUED BY
7 THE PLANNING COMMISSION APPROVING 1) ZONING
8 EXCEPTION E-26-20, SEEKING TO ALLOW BUILDING
9 TRADES CONTRACTOR WITH OUTSIDE STORAGE INCLUDING
10 OVERNIGHT TRUCK PARKING, AND 2) ADMINISTRATIVE
11 DEVIATION AD-26-21, SEEKING TO A) REDUCE THE
12 MINIMUM WIDTH OF A DRIVEWAY FROM TWELVE (12)
13 FEET WIDE TO TEN (10) FEET WIDE, B) REDUCE THE
14 UNCOMPLIMENTARY LAND USE BUFFER WIDTH FROM TEN
15 (10) FEET WIDE ALONG THE EAST PROPERTY BOUNDARY
16 TO FIVE (5) FEET WIDE, C) REDUCE THE
17 UNCOMPLIMENTARY LAND USE BUFFER WIDTH FROM TEN
18 (10) FEET WIDE ALONG WEST PROPERTY BOUNDARY TO
19 ZERO (0) FEET WIDE, AND D) REDUCE THE
20 UNCOMPLIMENTARY LAND USE BUFFER TREES ALONG THE
21 EAST PROPERTY BOUNDARY FROM SIX (6) REQUIRED TO
22 FOUR (4) TREES, AND THE WEST PROPERTY BOUNDARY
23 FROM NINE (9) REQUIRED TO SEVEN (7) TREES, IN
24 THE CCG-2 ZONING DISTRICT FOR THE PROPERTY
25 LOCATED AT 10344 ATLANTIC CIRCLE, BETWEEN
26 ATLANTIC BOULEVARD AND LAWSON ROAD (R.E. NO(S).
27 164643-0000), PURSUANT TO SECTION 656.141,
28 *ORDINANCE CODE*; ADOPTING RECOMMENDED FINDINGS
29 AND CONCLUSIONS OF THE LAND USE AND ZONING
30 COMMITTEE; PROVIDING AN EFFECTIVE DATE.
31

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

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

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

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

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

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

1 and Zoning Committee are hereby adopted. This Resolution is the final
2 action of the Council.

3 **Section 2. Effective Date.** The adoption of this
4 Resolution shall be deemed to constitute a quasi-judicial action of
5 the City Council and shall become effective upon signature by the
6 Council President and Council Secretary.

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8 Form Approved:

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10 /S/ Terrence L. Harvey

11 Office of General Counsel

12 Legislation Prepared By: Terrence L. Harvey

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