

Introduced and twice amended by the Land Use and Zoning Committee:

**ORDINANCE 2025-455-E**

AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION APPLICATION AD-25-36, FOR PROPERTY LOCATED IN COUNCIL DISTRICT 2 AT 9239 MERRILL ROAD, BETWEEN WOMPI DRIVE AND BUSINESS PLACE (R.E. NO(S). 112982-0045), AS DESCRIBED HEREIN, OWNED BY MEGALAND 2, LLC, REQUESTING TO (1) REDUCE THE REQUIRED MINIMUM NUMBER OF OFF-STREET PARKING SPACES FROM 65 TO 33 , (2) REDUCE THE NUMBER OF TERMINAL ISLAND TREES FROM 7 TERMINAL ISLANDS REQUIRED TO 6 TERMINAL ISLANDS, AND (3) INCREASE THE DISTANCE FROM THE VEHICLE USE AREA TO THE NEAREST TREE FROM 55 FEET MAXIMUM TO 57 FEET IN ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** an application for an administrative deviation, **Revised On File** with the City Council Legislative Services Division, was filed by Michael Herzberg, on behalf of Megaland 2, LLC, the owner of property located in Council District 2 at 9239 Merrill Road, Between Wompi Drive and Business Place (R.E. No(s). 112982-0045) (the "Subject Property"), requesting to (1) reduce the required minimum number of off-street parking spaces from 65 to 33 , (2) reduce the number of terminal island trees from 7 terminal islands required to

6 terminal islands, and (3) increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to 57 feet in Zoning District Commercial Community/General-1 (CCG-1); and

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

**WHEREAS,** the Land Use and Zoning Committee, after due notice held a public hearing and having duly considered both the testimonial and documentary evidence presented at the public hearing, has made its recommendation to the Council; now therefore

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

**Section 1. Adoption of Findings and Conclusions.** The Council has considered the recommendation of the Land Use and Zoning Committee and reviewed the Staff Report of the Planning and Development Department concerning administrative deviation Application AD-25-36, which requests to (1) reduce the required minimum number of off-street parking spaces from 65 to 33 , (2) reduce the number of terminal island trees from 7 terminal islands required to 6 terminal islands, and (3) increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to 57 feet in Zoning District Commercial Community/General-1 (CCG-1). Based upon the competent, substantial evidence contained in the record, the Council hereby determines that the requested administrative deviation meets each of the following criteria required to grant the request pursuant to Section 656.109(h), *Ordinance Code*, as specifically identified in the Staff Report of the Planning and Development Department:

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

(2) The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest, such as, for example, furthering the

1 preservation of natural resources by saving a tree or trees;

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

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

10 (5) The proposed deviation has been recommended by a City  
11 landscape architect, if the deviation is to reduce required  
12 landscaping; and

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

15 Therefore, administrative deviation Application AD-25-36 is  
16 hereby approved, subject to the following five conditions:

17 (a) The existing 51 parking spaces and striping of  
18 such spaces on the Subject Property shall be  
19 maintained.

20 (b) Employees are prohibited from parking in the  
21 area of on-street parking directly behind the  
22 Subject Property (8 spaces along Business Drive)  
23 marked as (8) as indicated in **Exhibit 3**.

24 (c) Employees shall utilize on-site parking on the  
25 Subject Property, before utilizing any other  
26 spaces along Business Drive.

27 (d) Employees shall not utilize any on-street spaces  
28 after 10 pm.

29 (e) Pepes Hacienda, and any successor entity, shall  
30 post and maintain a sign at the entryway to the  
31 restaurant/store indicating that patrons should

not park in the residential community and towing  
will be enforced.

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

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

**Section 4. Effective Date.** The enactment of this Ordinance  
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/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Ben McKissick-Hawley

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