

2025-0455 (AD-25-36)

LOCATION: 9239 Merrill Road
Between Wompi Drive and Business Place

REAL ESTATE NUMBER: 112982-0045

DEVIATION SOUGHT:

1. Reduce the required minimum number of off-street parking spaces from 65 to 33 spaces.
2. Reduce the number of terminal island trees from 7 terminal islands required to 6 terminal islands.
3. Increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to 57 feet.

PRESENT ZONING: CCG-1

CURRENT LAND USE: CGC

PLANNING DISTRICT: 2

COUNCIL DISTRICT: 2

SIGNS POSTED: 3

OWNER:

Megaland 2 LLC
801 N. Orange Ave, Suite 518
Jacksonville, FL 32225

APPLICANT:

Michael Herzberg
12483 Aladdin Road
Jacksonville, FL 32223

STANDARDS, CRITERIA AND FINDINGS

1. Is this situation unique or similar to other properties in the neighborhood? -	Recommendation: Similar. The subject property was originally developed and reviewed under Civil Plans (CDN.10732) for a 10,500-square-foot commercial shopping center. Parking for commercial service establishments requires a minimum of three spaces per 1,000 square feet of gross floor area. Based on this standard, the site was required to provide a minimum of 32 spaces and was developed with 33 spaces. Parking requirements for restaurants are one space per four patron seats plus one space for every two employees during peak-hour shifts. With the proposed tenant operating as a restaurant, the current parking is now deficient. The applicant is now seeking an Administrative Deviation to bring the site into compliance for the new tenant user, Pepes Hacienda.
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	<p>This situation is similar with the development approach of many shopping centers, which are constructed based on parking ratios intended to accommodate a broad spectrum of commercial retail uses. At the time of site development, specific tenant uses are typically unknown. As a result, developers often provide parking at a more conservative ratio to minimize impervious surface area and align with environmental and land use efficiency goals.</p> <p>In order to increase parking one terminal island was removed near the southeastern corner of the building to accommodate one additional parking space. The property owner is seeking to bring this into compliance by seeking a deviation to reduce terminal island trees for the overall parcel from 7 terminal islands required to 6 terminal islands. Additionally, requesting to increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to 57 feet.</p> <p><u>Findings:</u></p>
<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> Yes. The site is already developed and subject to existing physical constraints, including limited space for additional parking without significant redevelopment or the removal of existing infrastructure and landscaping. Strict application of current parking requirements would require substantial site modifications that are not practical or economically feasible within the context of the existing development.</p> <p>Additionally, the site is located within a walkable area, surrounded by residential neighborhoods that provide opportunities for patrons to access the restaurant on foot. The presence of nearby homes, sidewalks, and pedestrian connectivity reduces the actual demand for on-site parking. As such, strict adherence to the parking requirement does not</p>

	<p>reflect the functional needs of the site and would impose an unnecessary burden inconsistent with the walkable nature of the surrounding community.</p> <p>The removal of one terminal island and tree is considered impractical given that it would only result in the addition of a single parking space. The tree will be relocated elsewhere on the site to ensure that the reduction in parking does not lead to a decrease in the overall landscaping provided on-site.</p> <p><u>Findings:</u></p>
<p>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</p>	<p><u>Recommendation:</u> Yes. The request is not solely intended to reduce development costs, but rather to promote more efficient use of the site. The reduction in required parking reflects the existing built conditions and the site's proximity to surrounding residential neighborhoods, which support walkability and reduce dependence on vehicle trips.</p> <p><u>Findings:</u></p>
<p>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</p>	<p><u>Recommendation:</u> The proposed deviation will not diminish property values or alter the essential character of the area. The surrounding area is commercial in nature along Merrill Road and developed similar to other commercial shopping centers. The deviations, if approved, will allow for a similar parking standards to surrounding parcel which will have no impact inconsistent with the other uses.</p> <p><u>Findings:</u></p>

<p>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</p>	<p><u>Recommendation:</u> Yes. The proposed deviations will not be detrimental to the public's health safety or welfare, nor result in additional public expenses.</p> <p><u>Findings:</u></p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation:</u> Yes. The request to reduce the required parking for a restaurant use is in harmony with the spirit and intent of the Zoning Code, which seeks to promote the health, safety, morals, and general welfare of the public. The site is located within walking distance of established residential neighborhoods, encouraging pedestrian access and reducing the reliance on vehicle trips.</p> <p>Due to the walkable nature of the surrounding area and the reduced parking demand that results, the deviation supports more efficient land use and limits unnecessary impervious surfaces.</p> <p><u>Findings:</u></p>
<p>7. The City landscape architect (has/has not) recommended the proposed deviation.</p>	<p>N/A</p>
<p>8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.</p>	<p>N/A</p>

PLANNER RECOMMENDATION: APPROVE
DATE OF REPORT: August 5, 2025

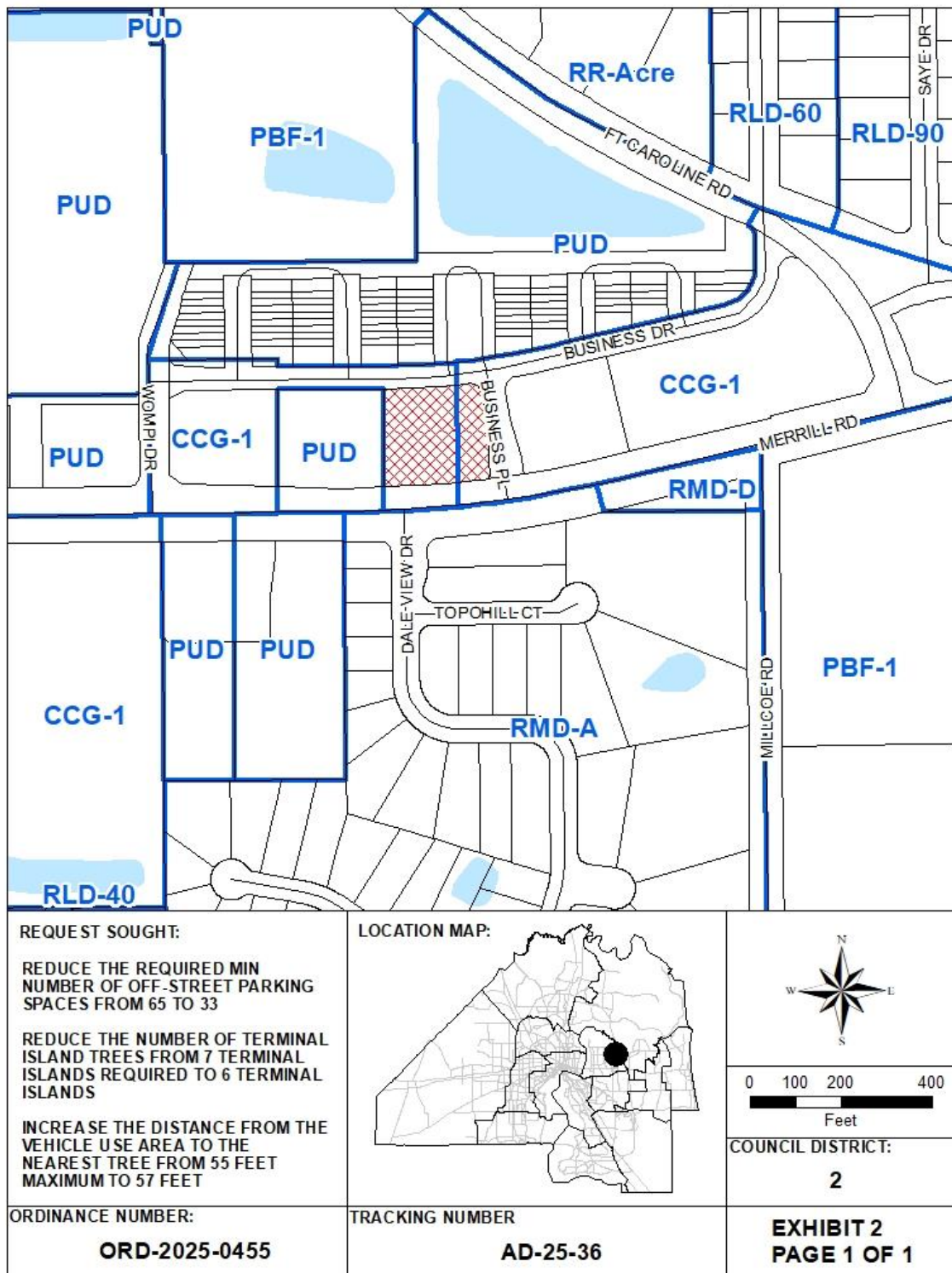


Aerial View

Source: JaxGIS Maps



Applicant provided photo evidence of Notice Sign posting and sign affidavit on **June 18, 2025** to the Planning Department.



Legal Map

