

**REPORT OF THE PLANNING DEPARTMENT**

**APPLICATION FOR ZONING EXCEPTION 2025-0454 (E-25-24)**

**AUGUST 5, 2025**

***Location:*** 9239 Merrill Road  
Between Wompi Drive and Business Place

***Real Estate Number:*** 112982-0045

***Zoning Exception Sought:*** Establishment or Facility which Includes the Retail Sale  
& Svc of All Alcoholic Beverages Including Liquor,  
Beer or Wine for On-Premises Consumption with a  
Restaurant

***Current Zoning District:*** Commercial Community/General - 1 (CCG-1)

***Current Land Use Category:*** Community/General Commercial (CGC)

***Planning District:*** 2-Arlington/Beaches

***Council District:*** District-2

***Applicant/Agent:*** Michael Herzberg  
12483 Aladdin Road  
Jacksonville, FL 32223

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

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Zoning Exception **2025-0454 (E-25-24)** seeks an exception to allow for establishment or facility which includes the retail sale & service of all alcoholic beverages including liquor, beer or wine for on-premises consumption with a restaurant. If approved the exception would be granted to Pepes Hacienda for a 4COP License. The property is currently zoned Commercial Community/General - 1 (CCG-1) which allows restaurants by right, but alcohol sales would need a Zoning Exception. The subject parcel is located along Merrill Road, minor arterial roadway, and developed with a multi-tenant shopping center constructed in 2024. The business will include both a restaurant and grocery store, with the restaurant seeking to allow on-premises consumption of all alcohol.

There is a companion Administrative Deviation application 2025-0455 (AD-25-36) requesting to reduce parking, terminal island trees, and increase the distance from the VUA to the nearest tree.

### **DEFINITION**

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

***(i) Will the proposed use be consistent with the Comprehensive Plan?***

Yes. The subject site is approximately 1.11 acres. The site is located on Merrill Road, which is classified as a minor arterial roadway on the City's Functional Highway Classifications Map. The site is also between Ft. Caroline Road and the I-295 expressway. The application site is also located within Planning District 2 (Greater Arlington/Beaches), Council District 2, and within the Urban Development Area.

CGC in the Urban Development Area is intended to provide compact development in nodal and corridor development patterns while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is encouraged to provide support for commercial and other uses. Principal uses in the CGC land use category include commercial retail sales and service establishments, including restaurants as well as commercial recreational and entertainment facilities. The proposed exception for retail sales and service of all alcoholic beverages for on-premises consumption is consistent with the CGC land use category.

### **Future Land Use Element (FLUE):**

#### **Objective 1.1**

Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

*The subject property has an existing land-use designation of CGC which does allow for the intended use of the property. Allowing a restaurant to serve alcohol aligns with this Comprehensive Plan Objective because it supports compact and compatible land use, encourages efficient use of existing infrastructure, helps contain growth within developed areas*

**Policy 1.2.9**

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

*The proposed site is located with the Urban Priority Area and will be served by both centralized Water and Sewer. The proposed use will be in compliance with Policy 1.2.9.*

**Objective 3.2**

Promote and sustain the viability of existing and emerging commercial and industrial areas to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

*The subject property is located along Merrill Road, a minor arterial roadway, where the surrounding area is primarily zoned for commercial uses. Allowing a restaurant to serve alcohol directly supports the Objective by helping to sustain a vibrant commercial district. It fosters a more integrated and supportive relationship between commercial and residential areas.*

- (ii) ***Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?***

Yes. The proposed use is compatible with adjacent commercial uses and consistent with the general character of the area. This section of Merrill Road is predominantly comprised of commercial developments between I-295 and Ft. Caroline Road, with residential neighborhoods surrounding the commercial corridor. Immediately north of the subject property is a townhome development constructed in 2022. The parcel itself is developed with parking and the facility entrance oriented towards Merrill Road, which helps create a visual buffer between the proposed restaurant and the nearby residential area. Approval of the proposed use will support the development of walkable communities by providing appropriate dining, retail, and other amenities for the surrounding neighborhood.

Moreover, adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	MDR	PUD 2019-0721	Townhome development
South	MDR	RMD-A	Single Family Subdivision
East	CGC	CCG-1	Fast Food Restaurant
West	CGC	CCG-1	Auto Services

**(iii) *Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?***

No. Staff finds that the proposed use will not have a negative environmental impact on the surrounding area. The area is already developed with a mix of uses, and well-located commercial uses can complement nearby residential neighborhoods by reducing the need for residents to travel long distances for leisure thereby reinforcing an integrated and self-sustaining urban fabric.

**(iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?***

No. Per the approved civil plans (CDN.10372), the site was approved 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 seeking Administrative Deviation 2025-0455 (AD-25-36) to reduce the required parking from 65 spaces to 33 spaces.

The proposed restaurant use is not expected to have a detrimental effect on vehicular traffic or parking conditions. The site is located in close proximity to established residential neighborhoods, which are within walking distance and provide opportunities for patrons to access the restaurant without the use of a vehicle. This walkability helps reduce overall demand for on-site parking and minimizes local traffic impacts.

**(v) *Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?***

No. The proposed exception will not have a detrimental effect on the future development of the surrounding commercial area which is almost fully built out.

**(vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?***

No. The site will not create objectionable or excessive noise, vibrations, fumes, odors, dust, or physical activities inconsistent with the existing surrounding developments.

**(vii) *Will the proposed use overburden existing public services and facilities?***

No. The proposed exception will not require additional services nor adversely affect those public services and facilities that are currently available to the subject property.

**(viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?***

Yes. The site plan depicts direct access from both Business Place and Business Drive that will permit entry onto the property for fire, police, rescue, and other service vehicles.

**(ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?***

Yes. As stated previously in the above criteria, the Planning Department finds that the proposed exception will be consistent with the definition of a zoning exception.

### **SUPPLEMENTARY INFORMATION**

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





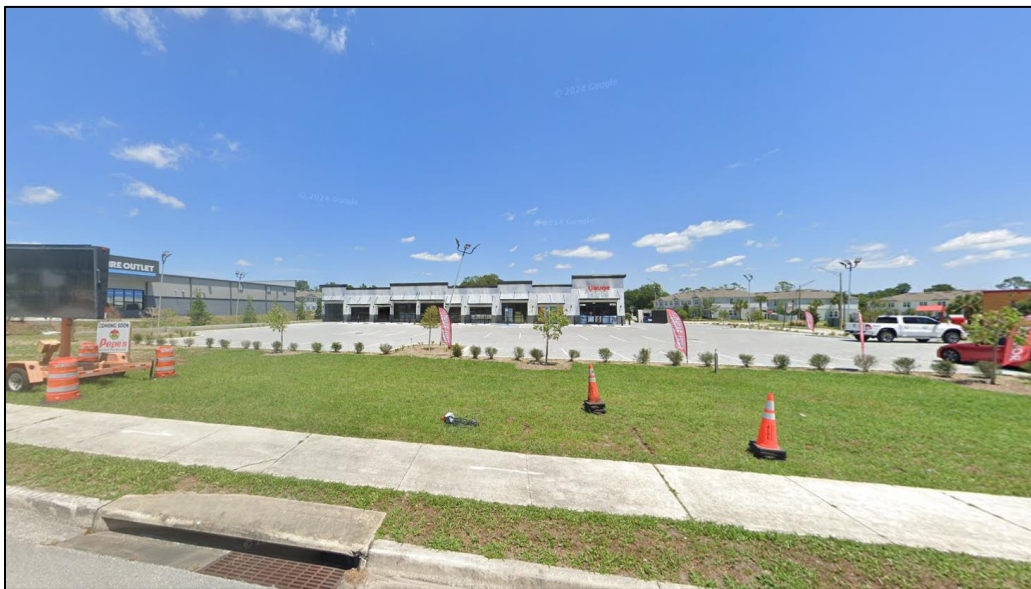
### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning Department that Application for Zoning Exception **2025-0454 (E-25-24)** be **APPROVED**.



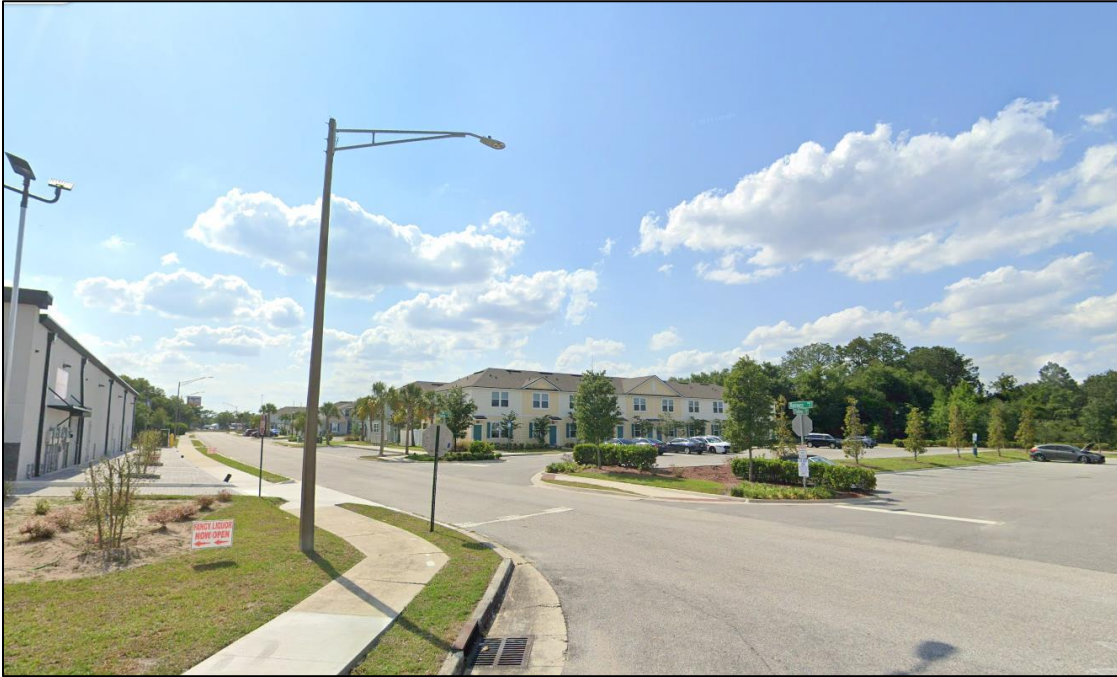
**Aerial View**

*Source: JaxGIS Maps*



**View of Subject Property**

*Source: GoogleMaps March 2024*



**North of Subject Property**

*Source: GoogleMaps March 2024*



**West of Subject Property**

*Source: GoogleMaps March 2024*



