

Introduced and amended by the Land Use and Zoning Committee:

ORDINANCE 2025-455

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

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

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

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

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

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

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

29 (2) The request is not based exclusively upon a desire to reduce
30 the cost of developing the site, but would accomplish some result
31 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.

17 **Section 2. Owner and Description.** The Subject Property is
18 owned by Megaland 2, LLC, and is described in **Exhibit 1**, dated August
19 14, 2024, and graphically depicted in **Revised Exhibit 2**, both attached
20 hereto. The applicant is Michael Herzberg, 12483 Aladdin Road,
21 Jacksonville, Florida, 32223; (904) 731-8806.

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

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

Form Approved:

/s/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Ben McKissick-Hawley

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