

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2022-533**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM COMMUNITY/GENERAL
9 COMMERCIAL (CGC) AND MEDIUM DENSITY RESIDENTIAL
10 (MDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) WITH
11 FUTURE LAND USE ELEMENT (FLUE) SITE SPECIFIC
12 POLICY 4.4.36 ON APPROXIMATELY 6.63± ACRES
13 LOCATED IN COUNCIL DISTRICT 5 AT 1667 ARLETHA
14 ROAD, 1635 ARLETHA ROAD, 0 ATLANTIC BOULEVARD,
15 4132 ATLANTIC BOULEVARD AND 4066 ATLANTIC
16 BOULEVARD, BETWEEN ART MUSEUM DRIVE AND ARLETHA
17 ROAD (R.E. NOS. 129474-0000, 129479-0000,
18 129482-0000, 129485-0000, 129562-0010, 129562-
19 0020 AND 129564-0000), OWNED BY YAAR
20 INVESTMENTS, INC., ARCHIBALD J. THOMAS, III, AND
21 MARTHA A. THOMAS, MONIR YAZGI AND SYLVIA M.
22 YAZGI, TENA D. FERGER, FISH HOUSE HOLDINGS, LLC,
23 AND JYOTI TAJASH PATEL, AS MORE PARTICULARLY
24 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
25 L-5727-22C; ADOPTING A NEW SITE SPECIFIC POLICY
26 4.4.36 IN THE FUTURE LAND USE ELEMENT (FLUE);
27 PROVIDING A DISCLAIMER THAT THE AMENDMENT
28 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
29 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
30 PROVIDING AN EFFECTIVE DATE.
31

1 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
2 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
3 application for a proposed Small-Scale Amendment to the Future Land
4 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
5 future land use designation from Community/General Commercial (CGC)
6 and Medium Density Residential (MDR) to Community/General Commercial
7 (CGC) with FLUE Site Specific Policy 4.4.36 on 6.63± acres of certain
8 real property in Council District 5 was filed by William Michaelis,
9 Esq., on behalf of the owners, Yaar Investments, Inc., Archibald J.
10 Thomas, III, and Martha A. Thomas, Monir Yazgi and Sylvia M. Yazgi,
11 Tena D. Ferger, Fish House Holdings, LLC, and Jyoti Tajash Patel; and

12 **WHEREAS**, the Planning and Development Department reviewed the
13 proposed revision and application and has prepared a written report
14 and rendered an advisory recommendation to the City Council with
15 respect to the proposed amendment; and

16 **WHEREAS**, the Planning Commission, acting as the Local Planning
17 Agency (LPA), held a public hearing on this proposed amendment, with
18 due public notice having been provided, reviewed and considered
19 comments received during the public hearing and made its
20 recommendation to the City Council; and

21 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
22 Council held a public hearing on this proposed amendment to the *2030*
23 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
24 considered all written and oral comments received during the public
25 hearing, and has made its recommendation to the City Council; and

26 **WHEREAS**, the City Council held a public hearing on this proposed
27 amendment, with public notice having been provided, pursuant to
28 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
29 *Code*, and considered all oral and written comments received during
30 public hearings, including the data and analysis portions of this
31 proposed amendment to the *2030 Comprehensive Plan* and the

1 recommendations of the Planning and Development Department, the
2 Planning Commission and the LUZ Committee; and

3 **WHEREAS**, in the exercise of its authority, the City Council has
4 determined it necessary and desirable to adopt this proposed amendment
5 to the *2030 Comprehensive Plan* to preserve and enhance present
6 advantages, encourage the most appropriate use of land, water, and
7 resources consistent with the public interest, overcome present
8 deficiencies, and deal effectively with future problems which may
9 result from the use and development of land within the City of
10 Jacksonville; now, therefore

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

12 **Section 1. Purpose and Intent.** This Ordinance is adopted
13 to carry out the purpose and intent of, and exercise the authority
14 set out in, the Community Planning Act, Sections 163.3161 through
15 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
16 amended.

17 **Section 2. Subject Property Location and Description.** The
18 approximately 6.63± acres are located in Council District 5 at 1667
19 Arletha Road, 1635 Arletha Road, 0 Atlantic Boulevard, 4132 Atlantic
20 Boulevard and 4066 Atlantic Boulevard, between Art Museum Drive and
21 Arletha Road (R.E. Nos. 129474-0000, 129479-0000, 129482-0000,
22 129485-0000, 129562-0010, 129562-0020 and 129564-0000), as more
23 particularly described in **Exhibit 1**, dated June 28, 2022, and
24 graphically depicted in **Exhibit 2**, both attached hereto and
25 incorporated herein by this reference (the "Subject Property").

26 **Section 3. Owner and Applicant Description.** The Subject
27 Property is owned by Yaar Investments, Inc., Archibald J. Thomas,
28 III, and Martha A. Thomas, Monir Yazgi and Sylvia M. Yazgi, Tena D.
29 Ferger, Fish House Holdings, LLC, and Jyoti Tajash Patel. The
30 applicant is William Michaelis, Esq., 1301 Riverplace Boulevard,
31 Suite 1501, Jacksonville, Florida 32207; (904) 346-5914.

1 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
2 City Council hereby adopts a proposed Small-Scale revision to the
3 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
4 the Future Land Use Map designation from Community/General Commercial
5 (CGC) and Medium Density Residential (MDR) to Community/General
6 Commercial (CGC) with FLUE Site Specific Policy 4.4.36, pursuant to
7 Small-Scale Application Number L-5727-22C.

8 **Section 5. Site Specific Policy.** Future Land Use Element
9 (FLUE) Site Specific Policy 4.4.36 dated July 6, 2022, attached hereto
10 as **Exhibit 3**, is hereby adopted.

11 **Section 6. Applicability, Effect and Legal Status.** The
12 applicability and effect of the *2030 Comprehensive Plan*, as herein
13 amended, shall be as provided in the Community Planning Act, Sections
14 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
15 development undertaken by, and all actions taken in regard to
16 development orders by governmental agencies in regard to land which
17 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
18 be consistent therewith as of the effective date of this amendment
19 to the plan.

20 **Section 7. Effective Date of this Plan Amendment.**

21 (a) If the amendment meets the criteria of Section 163.3187,
22 *Florida Statutes*, as amended, and is not challenged, the effective
23 date of this plan amendment shall be thirty-one (31) days after
24 adoption.

25 (b) If challenged within thirty (30) days after adoption, the
26 plan amendment shall not become effective until the state land
27 planning agency or the Administration Commission, respectively,
28 issues a final order determining the adopted Small-Scale Amendment
29 to be in compliance.

30 **Section 8. Disclaimer.** The amendment granted herein shall
31 **not** be construed as an exemption from any other applicable local,

1 state, or federal laws, regulations, requirements, permits or
2 approvals. All other applicable local, state or federal permits or
3 approvals shall be obtained before commencement of the development
4 or use, and issuance of this amendment is based upon acknowledgement,
5 representation and confirmation made by the applicant(s), owner(s),
6 developer(s) and/or any authorized agent(s) or designee(s) that the
7 subject business, development and/or use will be operated in strict
8 compliance with all laws. Issuance of this amendment does **not**
9 approve, promote or condone any practice or act that is prohibited
10 or restricted by any federal, state or local laws.

11 **Section 9. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

14
15 Form Approved:

16
17 /s/ Mary E. Staffopoulos

18 Office of General Counsel

19 Legislation Prepared By: Abigail Trout

20 GC-#1509209-v1-2022-533_(L-5727-22C)_(FLUE_SSP_4_4_36).docx