

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-534**

5 AN ORDINANCE REZONING APPROXIMATELY 6.63± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 1667 ARLETHA
7 ROAD, 1635 ARLETHA ROAD, 0 ATLANTIC BOULEVARD,
8 4132 ATLANTIC BOULEVARD AND 4066 ATLANTIC
9 BOULEVARD, BETWEEN ART MUSEUM DRIVE AND ARLETHA
10 ROAD (R.E. NOS. 129474-0000, 129479-0000,
11 129482-0000, 129485-0000, 129562-0010, 129562-
12 0020 AND 129564-0000), OWNED BY YAAR
13 INVESTMENTS, INC., ARCHIBALD J. THOMAS, III, AND
14 MARTHA A. THOMAS, MONIR YAZGI AND SYLVIA M.
15 YAZGI, TENA D. FERGER, FISH HOUSE HOLDINGS, LLC,
16 AND JYOTI TAJASH PATEL, AS DESCRIBED HEREIN,
17 FROM COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
18 DISTRICT AND RESIDENTIAL MEDIUM DENSITY-B (RMD-
19 B) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
20 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
21 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
22 USES, AS DESCRIBED IN THE ATLANTIC MULTI-FAMILY
23 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
24 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
25 NUMBER L-5727-22C; PROVIDING A DISCLAIMER THAT
26 THE REZONING GRANTED HEREIN SHALL NOT BE
27 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
28 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
29

30 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
31 Amendment to the *2030 Comprehensive Plan* for the purpose of revising

1 portions of the Future Land Use Map series (FLUMs) in order to ensure
2 the accuracy and internal consistency of the plan, pursuant to the
3 companion land use application L-5727-22C; and

4 **WHEREAS**, in order to ensure consistency of zoning district with
5 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
6 Amendment L-5727-22C, an application to rezone and reclassify from
7 Commercial Community/General-1 (CCG-1) District and Residential
8 Medium Density-B (RMD-B) District to Planned Unit Development (PUD)
9 District was filed by William Michaelis, Esq., on behalf of the owners
10 of approximately 6.63± acres of certain real property in Council
11 District 5, as more particularly described in Section 1; and

12 **WHEREAS**, the Planning and Development Department, in order to
13 ensure consistency of this zoning district with the *2030 Comprehensive*
14 *Plan*, has considered the rezoning and has rendered an advisory
15 opinion; and

16 **WHEREAS**, the Planning Commission has considered the application
17 and has rendered an advisory opinion; and

18 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
19 notice, held a public hearing and made its recommendation to the
20 Council; and

21 **WHEREAS**, the City Council, after due notice, held a public
22 hearing, and taking into consideration the above recommendations as
23 well as all oral and written comments received during the public
24 hearings, the Council finds that such rezoning is consistent with the
25 *2030 Comprehensive Plan* adopted under the comprehensive planning
26 ordinance for future development of the City of Jacksonville; and

27 **WHEREAS**, the Council finds that the proposed PUD does not affect
28 adversely the orderly development of the City as embodied in the
29 *Zoning Code*; will not affect adversely the health and safety of
30 residents in the area; will not be detrimental to the natural
31 environment or to the use or development of the adjacent properties

1 in the general neighborhood; and the proposed PUD will accomplish the
2 objectives and meet the standards of Section 656.340 (Planned Unit
3 Development) of the *Zoning Code* of the City of Jacksonville; now,
4 therefore

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

6 **Section 1. Subject Property Location and Description.** The
7 approximately 6.63± acres are located in Council District 5 at 1667
8 Arletha Road, 1635 Arletha Road, 0 Atlantic Boulevard, 4132 Atlantic
9 Boulevard and 4066 Atlantic Boulevard, between Art Museum Drive and
10 Arletha Road (R.E. Nos. 129474-0000, 129479-0000, 129482-0000,
11 129485-0000, 129562-0010, 129562-0020 and 129564-0000), as more
12 particularly described in **Exhibit 1**, dated June 28, 2022, and
13 graphically depicted in **Exhibit 2**, both of which are attached hereto
14 and incorporated herein by this reference (the "Subject Property").

15 **Section 2. Owner and Applicant Description.** The Subject
16 Property is owned by Yaar Investments, Inc., Archibald J. Thomas,
17 III, and Martha A. Thomas, Monir Yazgi and Sylvia M. Yazgi, Tena D.
18 Ferger, Fish House Holdings, LLC, and Jyoti Tajash Patel. The
19 applicant is William Michaelis, Esq., 1301 Riverplace Boulevard,
20 Suite 1501, Jacksonville, Florida 32207; (904) 346-5914.

21 **Section 3. Property Rezoned.** The Subject Property,
22 pursuant to adopted companion Small-Scale Amendment L-5727-22C, is
23 hereby rezoned and reclassified from Commercial Community/General-1
24 (CCG-1) District and Residential Medium Density-B (RMD-B) District
25 to Planned Unit Development (PUD). This new PUD district shall
26 generally permit multi-family residential uses, and is described,
27 shown and subject to the following documents, attached hereto:

28 **Exhibit 1** - Legal Description dated June 28, 2022.

29 **Exhibit 2** - Subject Property Map (prepared by P&DD).

30 **Exhibit 3** - Written Description dated July 5, 2022.

31 **Exhibit 4** - Site Plan dated May 24, 2022.

1 **Section 4. Contingency.** This rezoning shall not become
2 effective until thirty-one (31) days after adoption of the companion
3 Small-Scale Amendment unless challenged by the state land planning
4 agency; and further provided that if the companion Small-Scale
5 Amendment is challenged by the state land planning agency, this
6 rezoning shall not become effective until the state land planning
7 agency or the Administration Commission issues a final order
8 determining the companion Small-Scale Amendment is in compliance with
9 Chapter 163, *Florida Statutes*.

10 **Section 5. Disclaimer.** The rezoning granted herein
11 shall not be construed as an exemption from any other applicable
12 local, state, or federal laws, regulations, requirements, permits or
13 approvals. All other applicable local, state or federal permits or
14 approvals shall be obtained before commencement of the development
15 or use, and issuance of this rezoning is based upon acknowledgement,
16 representation and confirmation made by the applicant(s), owner(s),
17 developer(s) and/or any authorized agent(s) or designee(s) that the
18 subject business, development and/or use will be operated in strict
19 compliance with all laws. Issuance of this rezoning does not approve,
20 promote or condone any practice or act that is prohibited or
21 restricted by any federal, state or local laws.

22 **Section 6. Effective Date.** The enactment of this Ordinance
23 shall be deemed to constitute a quasi-judicial action of the City
24 Council and shall become effective upon signature by the Council
25 President and the Council Secretary.

26 Form Approved:

27
28 _____/s/ Mary E. Staffopoulos_____

29 Office of General Counsel

30 Legislation Prepared By: Erin Abney