

1 Introduced and Substituted by the Land Use and Zoning Committee:

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4 **ORDINANCE 2022-534**

5 AN ORDINANCE REZONING APPROXIMATELY 7.14± ACRES  
6 LOCATED IN COUNCIL DISTRICT 5 AT 1667 ARLETHA  
7 ROAD, 1657 ARLETHA ROAD, 1649 ARLETHA ROAD, 1635  
8 ARLETHA ROAD, 0 ATLANTIC BOULEVARD, 4132  
9 ATLANTIC BOULEVARD AND 4066 ATLANTIC BOULEVARD,  
10 BETWEEN ART MUSEUM DRIVE AND ARLETHA ROAD (R.E.  
11 NOS. 129474-0000, 129480-0000, 129481-0000,  
12 129479-0000, 129482-0000, 129485-0000, 129562-  
13 0010, 129562-0020 AND 129564-0000), OWNED BY  
14 YAAR INVESTMENTS, INC., PERCY C. JOHNSON, DAVID  
15 C. JOHNSON, GREGORY M. JOHNSON, MURNEY A.  
16 JOHNSON, JR., GLORIA J. WATTS AND ANNA J.  
17 CRAWFORD, ARCHIBALD J. THOMAS, III, AND MARTHA  
18 A. THOMAS, MONIR YAZGI AND SYLVIA M. YAZGI, TENA  
19 D. FERGER, FISH HOUSE HOLDINGS, LLC, AND JYOTI  
20 TAJASH PATEL, AS DESCRIBED HEREIN, FROM  
21 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT  
22 AND RESIDENTIAL MEDIUM DENSITY-B (RMD-B)  
23 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)  
24 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
25 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL  
26 USES, AS DESCRIBED IN THE ATLANTIC MULTI-FAMILY  
27 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES  
28 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION  
29 NUMBER L-5727-22C; PROVIDING A DISCLAIMER THAT  
30 THE REZONING GRANTED HEREIN SHALL NOT BE  
31 CONSTRUED AS AN EXEMPTION FROM ANY OTHER

1           APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

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3           **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
4 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
5 portions of the Future Land Use Map series (FLUMs) in order to ensure  
6 the accuracy and internal consistency of the plan, pursuant to the  
7 companion land use application L-5727-22C; and

8           **WHEREAS**, in order to ensure consistency of zoning district with  
9 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
10 Amendment L-5727-22C, an application to rezone and reclassify from  
11 Commercial Community/General-1 (CCG-1) District and Residential  
12 Medium Density-B (RMD-B) District to Planned Unit Development (PUD)  
13 District was filed by William Michaelis, Esq., on behalf of the owners  
14 of approximately 7.14± acres of certain real property in Council  
15 District 5, as more particularly described in Section 1; and

16           **WHEREAS**, the Planning and Development Department, in order to  
17 ensure consistency of this zoning district with the *2030 Comprehensive*  
18 *Plan*, has considered the rezoning and has rendered an advisory  
19 opinion; and

20           **WHEREAS**, the Planning Commission has considered the application  
21 and has rendered an advisory opinion; and

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

25           **WHEREAS**, the City Council, after due notice, held a public  
26 hearing, and taking into consideration the above recommendations as  
27 well as all oral and written comments received during the public  
28 hearings, the Council finds that such rezoning is consistent with the  
29 *2030 Comprehensive Plan* adopted under the comprehensive planning  
30 ordinance for future development of the City of Jacksonville; and

31           **WHEREAS**, the Council finds that the proposed PUD does not affect

1 adversely the orderly development of the City as embodied in the  
2 *Zoning Code*; will not affect adversely the health and safety of  
3 residents in the area; will not be detrimental to the natural  
4 environment or to the use or development of the adjacent properties  
5 in the general neighborhood; and the proposed PUD will accomplish the  
6 objectives and meet the standards of Section 656.340 (Planned Unit  
7 Development) of the *Zoning Code* of the City of Jacksonville; now,  
8 therefore

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

10 **Section 1. Subject Property Location and Description.** The  
11 approximately 7.14± acres are located in Council District 5 at 1667  
12 Arletha Road, 1657 Arletha Road, 1649 Arletha Road, 1635 Arletha  
13 Road, 0 Atlantic Boulevard, 4132 Atlantic Boulevard and 4066 Atlantic  
14 Boulevard, between Art Museum Drive and Arletha Road (R.E. Nos.  
15 129474-0000, 129480-0000, 129481-0000, 129479-0000, 129482-0000,  
16 129485-0000, 129562-0010, 129562-0020 and 129564-0000), as more  
17 particularly described in **Exhibit 1**, dated July 29, 2022, and  
18 graphically depicted in **Exhibit 2**, both of which are attached hereto  
19 and incorporated herein by this reference (the "Subject Property").

20 **Section 2. Owner and Applicant Description.** The Subject  
21 Property is owned by Yaar Investments, Inc., Percy C. Johnson, David  
22 C. Johnson, Gregory M. Johnson, Murney A. Johnson, Jr., Gloria J.  
23 Watts and Anna J. Crawford, Archibald J. Thomas, III, and Martha A.  
24 Thomas, Monir Yazgi and Sylvia M. Yazgi, Tena D. Ferger, Fish House  
25 Holdings, LLC, and Jyoti Tajash Patel. The applicant is William  
26 Michaelis, Esq., 1301 Riverplace Boulevard, Suite 1501, Jacksonville,  
27 Florida 32207; (904) 346-5914.

28 **Section 3. Property Rezoned.** The Subject Property,  
29 pursuant to adopted companion Small-Scale Amendment L-5727-22C, is  
30 hereby rezoned and reclassified from Commercial Community/General-1  
31 (CCG-1) District and Residential Medium Density-B (RMD-B) District

1 to Planned Unit Development (PUD). This new PUD district shall  
2 generally permit multi-family residential uses, and is described,  
3 shown and subject to the following documents, attached hereto:

4 **Exhibit 1** - Legal Description dated July 29, 2022.

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

6 **Exhibit 3** - Written Description dated July 29, 2022.

7 **Exhibit 4** - Site Plan dated July 25, 2022.

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

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

29 **Section 6. Effective Date.** The enactment of this Ordinance  
30 shall be deemed to constitute a quasi-judicial action of the City  
31 Council and shall become effective upon signature by the Council

1 President and the Council Secretary.

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3 Form Approved:

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5           /s/  Mary E. Staffopoulos          

6 Office of General Counsel

7 Legislation Prepared By: Erin Abney

8 GC-#1525660-v1-2022-534\_LUZ\_Sub\_(Enrolled)