

1 The Land Use and Zoning Committee offers the following Substitute to
2 File No. 2022-534:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2022-534**

8 AN ORDINANCE REZONING APPROXIMATELY 7.14± ACRES
9 LOCATED IN COUNCIL DISTRICT 5 AT 1667 ARLETHA
10 ROAD, 1657 ARLETHA ROAD, 1649 ARLETHA ROAD, 1635
11 ARLETHA ROAD, 0 ATLANTIC BOULEVARD, 4132
12 ATLANTIC BOULEVARD AND 4066 ATLANTIC BOULEVARD,
13 BETWEEN ART MUSEUM DRIVE AND ARLETHA ROAD (R.E.
14 NOS. 129474-0000, 129480-0000, 129481-0000,
15 129479-0000, 129482-0000, 129485-0000, 129562-
16 0010, 129562-0020 AND 129564-0000), OWNED BY
17 YAAR INVESTMENTS, INC., PERCY C. JOHNSON, DAVID
18 C. JOHNSON, GREGORY M. JOHNSON, MURNEY A.
19 JOHNSON, JR., GLORIA J. WATTS AND ANNA J.
20 CRAWFORD, ARCHIBALD J. THOMAS, III, AND MARTHA
21 A. THOMAS, MONIR YAZGI AND SYLVIA M. YAZGI, TENA
22 D. FERGER, FISH HOUSE HOLDINGS, LLC, AND JYOTI
23 TAJASH PATEL, AS DESCRIBED HEREIN, FROM
24 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT
25 AND RESIDENTIAL MEDIUM DENSITY-B (RMD-B)
26 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
27 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
28 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
29 USES, AS DESCRIBED IN THE ATLANTIC MULTI-FAMILY
30 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
31 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION

1 NUMBER L-5727-22C; PROVIDING A DISCLAIMER THAT
2 THE REZONING GRANTED HEREIN SHALL NOT BE
3 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
4 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
5

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

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

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

23 **WHEREAS**, the Planning Commission has considered the application
24 and has rendered an advisory opinion; and

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

28 **WHEREAS**, the City Council, after due notice, held a public
29 hearing, and taking into consideration the above recommendations as
30 well as all oral and written comments received during the public
31 hearings, the Council finds that such rezoning is consistent with the

1 2030 Comprehensive Plan adopted under the comprehensive planning
2 ordinance for future development of the City of Jacksonville; and

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

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

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

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

31 **Section 3. Property Rezoned.** The Subject Property,

1 pursuant to adopted companion Small-Scale Amendment L-5727-22C, is
2 hereby rezoned and reclassified from Commercial Community/General-1
3 (CCG-1) District and Residential Medium Density-B (RMD-B) District
4 to Planned Unit Development (PUD). This new PUD district shall
5 generally permit multi-family residential uses, and is described,
6 shown and subject to the following documents, attached hereto:

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

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

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

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

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

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

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

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6 Form Approved:

7
8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation Prepared By: Erin Abney

11 GC-#1525005-v1-2022-534_LUZ_Sub.docx