

1 The Land Use and Zoning Committee offers the following Substitute to  
2 File No. 2022-533:

3  
4 Introduced by the Land Use and Zoning Committee:  
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7 **ORDINANCE 2022-533**

8 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO  
9 THE FUTURE LAND USE MAP SERIES OF THE 2030  
10 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND  
11 USE DESIGNATION FROM COMMUNITY/GENERAL  
12 COMMERCIAL (CGC) AND MEDIUM DENSITY RESIDENTIAL  
13 (MDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) WITH  
14 FUTURE LAND USE ELEMENT (FLUE) SITE SPECIFIC  
15 POLICY 4.4.36 ON APPROXIMATELY 7.14± ACRES  
16 LOCATED IN COUNCIL DISTRICT 5 AT 1667 ARLETHA  
17 ROAD, 1657 ARLETHA ROAD, 1649 ARLETHA ROAD, 1635  
18 ARLETHA ROAD, 0 ATLANTIC BOULEVARD, 4132  
19 ATLANTIC BOULEVARD AND 4066 ATLANTIC BOULEVARD,  
20 BETWEEN ART MUSEUM DRIVE AND ARLETHA ROAD (R.E.  
21 NOS. 129474-0000, 129480-0000, 129481-0000,  
22 129479-0000, 129482-0000, 129485-0000, 129562-  
23 0010, 129562-0020 AND 129564-0000), OWNED BY  
24 YAAR INVESTMENTS, INC., PERCY C. JOHNSON, DAVID  
25 C. JOHNSON, GREGORY M. JOHNSON, MURNEY A.  
26 JOHNSON, JR., GLORIA J. WATTS AND ANNA J.  
27 CRAWFORD, ARCHIBALD J. THOMAS, III, AND MARTHA  
28 A. THOMAS, MONIR YAZGI AND SYLVIA M. YAZGI, TENA  
29 D. FERGER, FISH HOUSE HOLDINGS, LLC, AND JYOTI  
30 TAJASH PATEL, AS MORE PARTICULARLY DESCRIBED  
31 HEREIN, PURSUANT TO APPLICATION NUMBER L-5727-

1 22C; ADOPTING A NEW SITE SPECIFIC POLICY 4.4.36  
2 IN THE FUTURE LAND USE ELEMENT (FLUE); PROVIDING  
3 A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
4 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
5 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
6 DATE.

7  
8 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
9 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
10 application for a proposed Small-Scale Amendment to the Future Land  
11 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
12 future land use designation from Community/General Commercial (CGC)  
13 and Medium Density Residential (MDR) to Community/General Commercial  
14 (CGC) with FLUE Site Specific Policy 4.4.36 on 7.14± acres of certain  
15 real property in Council District 5 was filed by William Michaelis,  
16 Esq., on behalf of the owners, Yaar Investments, Inc., Percy C.  
17 Johnson, David C. Johnson, Gregory M. Johnson, Murney A. Johnson,  
18 Jr., Gloria J. Watts and Anna J. Crawford, Archibald J. Thomas, III,  
19 and Martha A. Thomas, Monir Yazgi and Sylvia M. Yazgi, Tena D. Ferger,  
20 Fish House Holdings, LLC, and Jyoti Tajash Patel; and

21 **WHEREAS**, the Planning and Development Department reviewed the  
22 proposed revision and application and has prepared a written report  
23 and rendered an advisory recommendation to the City Council with  
24 respect to the proposed amendment; and

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

30 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City  
31 Council held a public hearing on this proposed amendment to the *2030*

1 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,  
2 considered all written and oral comments received during the public  
3 hearing, and has made its recommendation to the City Council; and

4 **WHEREAS**, the City Council held a public hearing on this proposed  
5 amendment, with public notice having been provided, pursuant to  
6 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*  
7 *Code*, and considered all oral and written comments received during  
8 public hearings, including the data and analysis portions of this  
9 proposed amendment to the *2030 Comprehensive Plan* and the  
10 recommendations of the Planning and Development Department, the  
11 Planning Commission and the LUZ Committee; and

12 **WHEREAS**, in the exercise of its authority, the City Council has  
13 determined it necessary and desirable to adopt this proposed amendment  
14 to the *2030 Comprehensive Plan* to preserve and enhance present  
15 advantages, encourage the most appropriate use of land, water, and  
16 resources consistent with the public interest, overcome present  
17 deficiencies, and deal effectively with future problems which may  
18 result from the use and development of land within the City of  
19 Jacksonville; now, therefore

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

21 **Section 1. Purpose and Intent.** This Ordinance is adopted  
22 to carry out the purpose and intent of, and exercise the authority  
23 set out in, the Community Planning Act, Sections 163.3161 through  
24 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
25 amended.

26 **Section 2. Subject Property Location and Description.** The  
27 approximately 7.14± acres are located in Council District 5 at 1667  
28 Arletha Road, 1657 Arletha Road, 1649 Arletha Road, 1635 Arletha  
29 Road, 0 Atlantic Boulevard, 4132 Atlantic Boulevard and 4066 Atlantic  
30 Boulevard, between Art Museum Drive and Arletha Road (R.E. Nos.  
31 129474-0000, 129480-0000, 129481-0000, 129479-0000, 129482-0000,

1 129485-0000, 129562-0010, 129562-0020 and 129564-0000), as more  
2 particularly described in **Exhibit 1**, dated July 29, 2022, and  
3 graphically depicted in **Exhibit 2**, both attached hereto and  
4 incorporated herein by this reference (the "Subject Property").

5 **Section 3. Owner and Applicant Description.** The Subject  
6 Property is owned by Yaar Investments, Inc., Percy C. Johnson, David  
7 C. Johnson, Gregory M. Johnson, Murney A. Johnson, Jr., Gloria J.  
8 Watts and Anna J. Crawford, Archibald J. Thomas, III, and Martha A.  
9 Thomas, Monir Yazgi and Sylvia M. Yazgi, Tena D. Ferger, Fish House  
10 Holdings, LLC, and Jyoti Tajash Patel. The applicant is William  
11 Michaelis, Esq., 1301 Riverplace Boulevard, Suite 1501, Jacksonville,  
12 Florida 32207; (904) 346-5914.

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

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

23 **Section 6. Applicability, Effect and Legal Status.** The  
24 applicability and effect of the *2030 Comprehensive Plan*, as herein  
25 amended, shall be as provided in the Community Planning Act, Sections  
26 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All  
27 development undertaken by, and all actions taken in regard to  
28 development orders by governmental agencies in regard to land which  
29 is subject to the *2030 Comprehensive Plan*, as herein amended, shall  
30 be consistent therewith as of the effective date of this amendment  
31 to the plan.

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

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

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

11           **Section 8.           Disclaimer.** The amendment granted herein shall  
12 **not** be construed as an exemption from any other applicable local,  
13 state, or federal laws, regulations, requirements, permits or  
14 approvals. All other applicable local, state or federal permits or  
15 approvals shall be obtained before commencement of the development  
16 or use, and issuance of this amendment is based upon acknowledgement,  
17 representation and confirmation made by the applicant(s), owner(s),  
18 developer(s) and/or any authorized agent(s) or designee(s) that the  
19 subject business, development and/or use will be operated in strict  
20 compliance with all laws. Issuance of this amendment does **not**  
21 approve, promote or condone any practice or act that is prohibited  
22 or restricted by any federal, state or local laws.

23           **Section 9.           Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

26 Form Approved:

27  
28                     /s/ Mary E. Staffopoulos          

29 Office of General Counsel

30 Legislation Prepared By: Abigail Trout

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