

1 Introduced and Substituted by the Land Use and Zoning Committee:
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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 7.14± ACRES
13 LOCATED IN COUNCIL DISTRICT 5 AT 1667 ARLETHA
14 ROAD, 1657 ARLETHA ROAD, 1649 ARLETHA ROAD, 1635
15 ARLETHA ROAD, 0 ATLANTIC BOULEVARD, 4132
16 ATLANTIC BOULEVARD AND 4066 ATLANTIC BOULEVARD,
17 BETWEEN ART MUSEUM DRIVE AND ARLETHA ROAD (R.E.
18 NOS. 129474-0000, 129480-0000, 129481-0000,
19 129479-0000, 129482-0000, 129485-0000, 129562-
20 0010, 129562-0020 AND 129564-0000), OWNED BY
21 YAAR INVESTMENTS, INC., PERCY C. JOHNSON, DAVID
22 C. JOHNSON, GREGORY M. JOHNSON, MURNEY A.
23 JOHNSON, JR., GLORIA J. WATTS AND ANNA J.
24 CRAWFORD, ARCHIBALD J. THOMAS, III, AND MARTHA
25 A. THOMAS, MONIR YAZGI AND SYLVIA M. YAZGI, TENA
26 D. FERGER, FISH HOUSE HOLDINGS, LLC, AND JYOTI
27 TAJASH PATEL, AS MORE PARTICULARLY DESCRIBED
28 HEREIN, PURSUANT TO APPLICATION NUMBER L-5727-
29 22C; ADOPTING A NEW SITE SPECIFIC POLICY 4.4.36
30 IN THE FUTURE LAND USE ELEMENT (FLUE); PROVIDING
31 A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN

1 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
2 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
3 DATE.

4
5 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
6 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
7 application for a proposed Small-Scale Amendment to the Future Land
8 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
9 future land use designation from Community/General Commercial (CGC)
10 and Medium Density Residential (MDR) to Community/General Commercial
11 (CGC) with FLUE Site Specific Policy 4.4.36 on 7.14± acres of certain
12 real property in Council District 5 was filed by William Michaelis,
13 Esq., on behalf of the owners, Yaar Investments, Inc., Percy C.
14 Johnson, David C. Johnson, Gregory M. Johnson, Murney A. Johnson,
15 Jr., Gloria J. Watts and Anna J. Crawford, Archibald J. Thomas, III,
16 and Martha A. Thomas, Monir Yazgi and Sylvia M. Yazgi, Tena D. Ferger,
17 Fish House Holdings, LLC, and Jyoti Tajash Patel; and

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

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

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

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

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

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

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

23 **Section 2. Subject Property Location and Description.** The
24 approximately 7.14± acres are located in Council District 5 at 1667
25 Arletha Road, 1657 Arletha Road, 1649 Arletha Road, 1635 Arletha
26 Road, 0 Atlantic Boulevard, 4132 Atlantic Boulevard and 4066 Atlantic
27 Boulevard, between Art Museum Drive and Arletha Road (R.E. Nos.
28 129474-0000, 129480-0000, 129481-0000, 129479-0000, 129482-0000,
29 129485-0000, 129562-0010, 129562-0020 and 129564-0000), as more
30 particularly described in **Exhibit 1**, dated July 29, 2022, and
31 graphically depicted in **Exhibit 2**, both attached hereto and

1 incorporated herein by this reference (the "Subject Property").

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

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

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

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

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

30 (a) If the amendment meets the criteria of Section 163.3187,
31 *Florida Statutes*, as amended, and is not challenged, the effective

1 date of this plan amendment shall be thirty-one (31) days after
2 adoption.

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

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

20 **Section 9. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Abigail Trout

29 GC-#1525659-v1-2022-533_LUZ_Sub_(Enrolled)