

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-38**

5 AN ORDINANCE REZONING APPROXIMATELY 18.77±
6 ACRES, LOCATED IN COUNCIL DISTRICT 11 AT 11651
7 DAVIS CREEK ROAD EAST, BETWEEN PHILIPS HIGHWAY
8 AND ENERGY CENTER DRIVE (R.E. NO. 168068-1100
9 (PORTION)), OWNED BY SPHINX MANAGEMENT, INC., AS
10 DESCRIBED HEREIN, FROM AGRICULTURE (AGR)
11 DISTRICT, INDUSTRIAL BUSINESS PARK (IBP)
12 DISTRICT, AND PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT (2009-532-E) TO PLANNED UNIT
14 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 HEAVY AND LIGHT INDUSTRIAL USES, AS DESCRIBED IN
17 THE DAVIS CREEK ROAD EAST PUD, PURSUANT TO
18 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
19 AMENDMENT APPLICATION NUMBER L-5738-22C;
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE DATE.

24
25 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to the
29 companion land use ordinance for application L-5738-22C; and

30 **WHEREAS,** in order to ensure consistency of zoning district with
31 the *2030 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5738-22C, an application to rezone and reclassify from
2 Agriculture (AGR) District, Industrial Business Park (IBP) District,
3 and Planned Unit Development (PUD) District (2009-532-E) to Planned
4 Unit Development (PUD) District was filed by Steve Diebenow, Esq.,
5 on behalf of the owner of approximately 18.77± acres of certain real
6 property in Council District 11, as more particularly described in
7 Section 1; and

8 **WHEREAS**, the Planning and Development Department, in order to
9 ensure consistency of this zoning district with the *2030 Comprehensive*
10 *Plan*, has considered the rezoning and has rendered an advisory
11 opinion; and

12 **WHEREAS**, the Planning Commission has considered the application
13 and has rendered an advisory opinion; and

14 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
15 notice and public hearing, has made its recommendation to the Council;
16 and

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

23 **WHEREAS**, the Council finds that the proposed PUD does not affect
24 adversely the orderly development of the City as embodied in the
25 *Zoning Code*; will not affect adversely the health and safety of
26 residents in the area; will not be detrimental to the natural
27 environment or to the use or development of the adjacent properties
28 in the general neighborhood; and the proposed PUD will accomplish the
29 objectives and meet the standards of Section 656.340 (Planned Unit
30 Development) of the *Zoning Code* of the City of Jacksonville; now,
31 therefore

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

2 **Section 1. Subject Property Location and Description.** The
3 approximately 18.77± acres are located in Council District 11 at 11651
4 Davis Creek Road East, between Philips Highway and Energy Center
5 Drive (R.E. No. 168068-1100 (portion)), as more particularly
6 described in **Exhibit 1**, dated October 4, 2022, and graphically
7 depicted in **Exhibit 2**, both of which are attached hereto and
8 incorporated herein by this reference (the "Subject Property").

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by Sphinx Management, Inc. The applicant is Steve
11 Diebenow, Esq., One Independent Drive, Suite 1200, Jacksonville,
12 Florida 32202; (904) 301-1269.

13 **Section 3. Property Rezoned.** The Subject Property,
14 pursuant to adopted companion Small-Scale Amendment L-5738-22C, is
15 hereby rezoned and reclassified from Agriculture (AGR) District,
16 Industrial Business Park (IBP) District, and Planned Unit Development
17 (PUD) District (2009-532-E) to Planned Unit Development (PUD)
18 District. This new PUD district shall generally permit heavy and
19 light industrial uses and is described, shown and subject to the
20 following documents, attached hereto:

21 **Exhibit 1** - Legal Description dated October 4, 2022.

22 **Exhibit 2** - Subject Property per P&DD.

23 **Exhibit 3** - Written Description dated October 13, 2022.

24 **Exhibit 4** - Site Plan dated July 23, 2011.

25 **Section 4. Contingency.** This rezoning shall not become
26 effective until thirty-one (31) days after adoption of the companion
27 Small-Scale Amendment unless challenged by the state land planning
28 agency; and further provided that if the companion Small-Scale
29 Amendment is challenged by the state land planning agency, this
30 rezoning shall not become effective until the state land planning
31 agency or the Administration Commission issues a final order

1 determining the companion Small-Scale Amendment is in compliance with
2 Chapter 163, *Florida Statutes*.

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

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

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Erin Abney

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