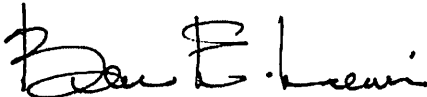




Planning Commission Vote:	5-1
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Nay
Daniel Blanchard	Aye
Jordan Elsbury	Aye
David Hacker	Absent

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis  
City Planner Supervisor – Current Planning Division  
City of Jacksonville - Planning and Development Department  
214 North Hogan Street, Suite 300  
Jacksonville, FL 32202  
(904) 255-7820  
blewis@coj.net

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR****APPLICATION FOR REZONING ORDINANCE 2023-0038 TO****PLANNED UNIT DEVELOPMENT****FEBRUARY 23, 2023**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance 2023-0038 to Planned Unit Development.

***Location:*** 11651 Davis Creek Road East

***Real Estate Numbers:*** 168068-1100

***Current Zoning Districts:*** Agriculture (AGR)  
Planned Unit Development (PUD)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Business Park (BP)

***Proposed Land Use Category:*** Heavy Industrial (HI)

***Planning District:*** Southeast, District 3

***Applicant/Agent:*** Steve Diebenow, Esq.  
One Independent Drive, STE. 1200  
Jacksonville, Florida 32202

***Owner:*** Sphinx Management, Inc.  
219 N. Newman Street  
Jacksonville, Florida 32202

***Staff Recommendation:*** DENY

**GENERAL INFORMATION**

Application for Planned Unit Development 2023-0038 seeks to rezone approximately 18.77± acres of land from Agriculture (AGR)/Planned Unit Development (PUD) Ordinance 2009-0532 to Planned Unit Development (PUD). The rezoning to PUD is being sought in order to permit wood/concrete storage, crushing and recycling services; along with Light Industrial uses. The proposed PUD differs from the conventional zoning district by permitting recycling facilities and yards, including construction and demolition debris recycling facilities, and yard waste composting facilities including the mulching process and removal of all other heavy industrial uses by right or

by zoning exception. Additionally, designated parking and loading spaces are not required for recycling uses, access drives shall have no minimum width, and landscaping from the on-site existing conditions shall not be required for recycling uses.

The subject site is located northeast of Philips Highway with access from both Energy Center Drive and Davis Creek Road East with surrounding properties being zoned for industrial and residential uses. In recent years the department has seen a shift in development along Philips Highway from industrial uses to more residential, with these uses transitioning south from I-295 Expressway. With the proposed use of concrete crushing falling under the category of heavy industrial the department feels this type of heavy industrial use is too intense for the area due to the close proximity to residential development. Heavy industrial (HI) uses are generally the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air and water pollution and transportation conflicts.

Per Memo dated February 16, 2023 JEA has raised concerns about the potential for fugitive dust being blown in the area around the inlet filters to G61 and G62 combustion turbines located at Greenland Energy Center, just east of this proposed facility. Fugitive dust has the ability to impact the performance of the electrical generating system which is critical to supplying electricity to the community.

Approval of this rezoning request will allow the expansion of industrial uses both light and heavy further south encroaching on the existing residential properties and the potential to produce severe operational impacts on JEA facilities to the east. The department does not feel this is justification for the up zoning and therefore, the Planning and Development Department is recommending denial of the rezoning request.

A portion of the property approximately 0.5± acres at the northeast corner is located within the Greenland Energy Center PUD, 2009-0532, which allows for a new electric-generating facility. This half acre of property was intended as the connection point from the subject site to Davis Creek Road East. This connection was never established but still remains within the PUD today.

There is a companion Land Use Amendment, **L-5738-22C (Ord. 2023-0037)**. The proposed LUA is for approximately 18.77± acres of the subject property from Business Park (BP) to Heavy Industrial (HI). The Planning & Development Department is also recommending Denial of the Small Scale Land-Use Amendment.

**PUD Ord. 2009-0532-E was approved with the following conditions:**

1. Should a cache of artifacts or evidence of Colonial era structure be encountered, work should stop immediately and should not continue without notification to and approval by the Florida Department of State, Division of Historic Resources.
2. Tree removal and landscaping shall be subject to Part 12 of the Zoning Code.

**The Planning & Development Department has reviewed the conditions of the enacted ordinance and forwards the following comments:**

- As previously mention the portion of the property located within the Greenland Energy Center PUD was intended for access to Davis Creek Road East and has no development rights or uses allowed within the PUD, therefore Staff does not recommend forwarding the previously approved conditions to the new proposed PUD.

### **CRITERIA FOR REVIEW**

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

#### ***(A) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?***

Yes. The Planning and Development Department finds that the subject property is located in the Business Park (BP) functional land use categories as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5738-22C (Ord. 2023-0037) that seeks to amend approximately 18.77± of the site that is within the Business Park (BP) land use category to Heavy Industrial (HI). While the proposed PUD would be consistent with the proposed HI land use category, the Planning Department has recommended Denial of the companion Land Use Amendment, L-5738-22C.

Heavy industrial (HI) uses are generally the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air and water pollution and transportation conflicts. For this reason, heavy industrial land uses should be buffered by other less intense transitional land uses, such as office, light industrial or open space, etc., to protect residential and other sensitive land uses; i.e., schools, health care facilities, etc. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

Heavy industrial uses shall be located with convenient access to the transportation network that includes major highways, railroads, airports and port facilities. Site access to roads classified as arterial or higher on the Highway Functional Classification Map is preferred; except for sites located within the DIA's jurisdictional boundaries. Sites with railroad access and frontage on two highways are preferred locations for heavy industrial development.

The proposed Planned Unit Development (PUD) would allow for the use of the site as a wood and concrete recycling facility, which is consistent with the HI land use category.

***(B) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?***

No. While the proposed rezoning to Planned Unit Development would be consistent with the 2030 Comprehensive Plan for HI Land-Use it does not furthers the following goals, objectives and policies contained herein, including:

**Goal 1**

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

**Policy 3.1.3**

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

*The subject site is within close proximity to residential developments such as Cooperleaf Single Family Subdivision and recently approved Davis Creek Multi-Family development. Heavy Industrial uses are known to cause impacts on the air quality and are encouraged to be located in areas with minimal residential developments. Approval of this up zoning could negatively impact the surrounding neighborhoods and therefore not be in compliance with Policy 3.1.3.*

**Objective 6.3**

The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

**Flood Zones**

Approximately 0.79 of an acre of the subject site is located within either the 0.2 PCT Annual Chance Flood Hazard or AE flood zones. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The 0.2 PCT Annual Chance Flood Hazard flood zone is defined as an area within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards. The AE flood zone is defined as

an area within the 100-year floodplain or SFHA where flood insurance is mandatory. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.



***(C) Does the proposed rezoning conflict with any portion of the City's land use Regulations?***

The written description and the site plan of the intended development meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

***(1) Consistency with the 2030 Comprehensive Plan***

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Business Park (BP). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series **L-5738-22C (Ord. 2023-0037)** that seeks to amend a portion of land that is within the Business Park (BP) land use category to Heavy Industrial (HI). The Planning and Development Department finds that the proposed PUD is consistent with the 2030 Comprehensive Plan, as evaluated in Criteria (B). While the proposed PUD would be consistent with the proposed HI land use category, the Planning Department has recommended Denial of the companion Land Use Amendment, **L-5738-22C, Ordinance 2023-0037**.

***(2) Consistency with the Concurrency Mobility and Management System***

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals. Currently, there is nothing in the Concurrency system regarding this proposed development and the agent/owner will need to submit a Mobility application & CRC application (attached) to the Concurrency Office.

***(3) Allocation of residential land use***

This proposed Planned Unit Development intends to permit wood/concrete storage, crushing and recycling services; along with Light Industrial uses. Moreover, this proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

***(4) Internal compatibility***

This proposed PUD is consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposal Planned Unit Development shall be based on the following factors:

**The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas:** Recreation and open space shall be provided as required by the 2030 Comprehensive Plan.

**The use of existing and proposed landscaping:** Due to the nature of the use for wood/concrete storage, crushing and recycling services landscaping shall not be required provided that the existing conditions of the Property are maintained or improved to facilitate more efficient recycling operations.

**Traffic and pedestrian circulation patterns:** As demonstrated on the attached site plan, the proposed traffic circulation system will be serviced using Energy Center Drive and Davis Creek Road East.

The subject site is approximately 18.77 acres and is accessible from Davis Creek Rd E, an unclassified facility. West of the subject site Philips Hwy between I-295 East Beltway and Old St Augustine Rd that is currently operating at 64.4% of capacity. This segment currently has a maximum daily capacity of 39,800 vehicles per day (vpd) and average daily traffic of 25,643 vpd.

This PUD is a companion to pending small-scale land use application L-5738-22C (2023-0037). The applicant requests 18.77 acres of commercial (ITE Code 110), which could produce 11,377 daily trips.



***(5) External Compatibility***

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

**The type, number and location of surrounding external uses:** The subject site is located northeast of Philips Highway with access from both Energy Center Drive and Davis Creek Road East with surrounding properties being zoned for industrial and residential uses. Industrial zoned properties are located to the north and east including properties developed with warehousing and JEA facility. To the south along Philips Highway is single family subdivision Cooperleaf and recently approved Multi-Family development Davis Creek through PUD Ord. #2022-0072.

**The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:**

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LI	IL	Warehousing/Open Space
South	MDR/LI	PUD: 2022-0072/ IL	Vacant/Big Davis Creek
East	PBF	PUD: 2009-0532	Greenland Energy Center
West	BP	IBP	Timberland

***(6) Intensity of Development***

The proposed development is consistent with the proposed HI functional land use category and if approved will permit wood/concrete storage, crushing and recycling services; along with Light Industrial uses. While the HI land-use category is consistent with the 2030 Comprehensive plan the Department feels the proposed PUD is not appropriate at this location because of the close proximity to residential.

**The existing residential density and intensity of use of surrounding lands:** Single Family Subdivision, Cooperleaf, was approved through PUD Ord. #2015-0699 for a total of 135 single family dwellings. Additionally, Davis Creek PUD Ord. #2022-0072 was approved for a maximum of 288 units.

**The availability and location of utility services and public facilities and services:**

The subject site will be serviced by JEA for city water and sewer. Additionally, in a memo provided by JEA dated February 16, 2023, JEA has serious concerns regarding the potential for fugitive dust being blown in the area around the inlet filters to G61 and G62 combustion turbines located at Greenland Energy Center, which is located just east of this proposed facility. A Vulcan facility is located adjacent to the JEA Kennedy Generating Station and there have been an abundance of issues due to fugitive dusting. Recent maintenance to the Kennedy Generating Station revealed that there was a double digit degradation in unit performance due to compressor fouling.

While regulations may be in place regarding fugitive dust, JEA is concerned regarding the enforcement of those regulations and the impacts of fugitive dust on the performance of the electrical generating system which is critical to supplying electricity to the community.

If project proceeds final project design to meet the JEA Design Standards in effect at the time of construction plan approval. Additional service and design elements will be addressed following applicant's construction plan review submittal.

***(7) Usable open spaces plazas, recreation areas.***

Recreation and open space shall be provided as required by the 2030 Comprehensive Plan.

***(8) Impact on wetlands***

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

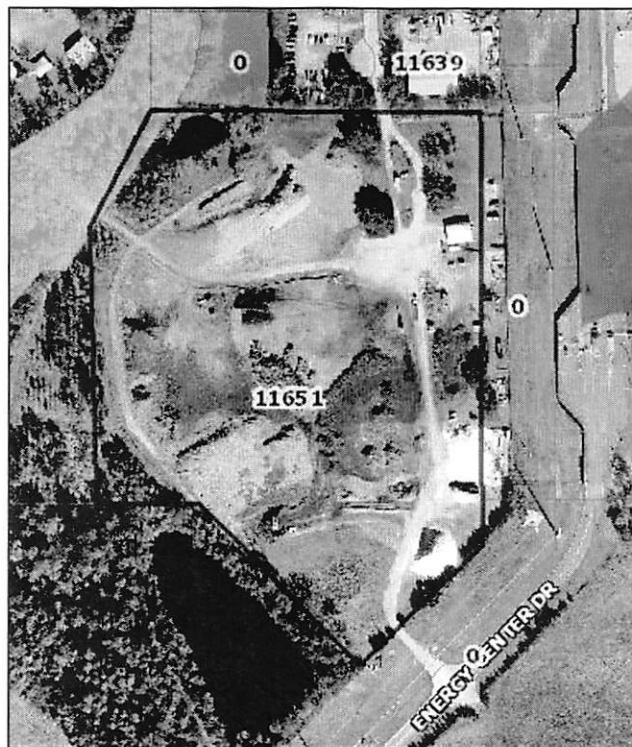
**Wetlands Characteristics:**

Approximate Size:	0.17 of an acre
General Location(s):	Small area near northwest property line.
Quality/Functional Value:	The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition the wetland has no clear or significant impact on the City's waterways.
Soil Types/ Characteristics:	(35) Lynn Haven fine sand - gently sloping, poorly drained, sandy, generally found on flats and in steep areas of side slopes, formed in thick beds of sandy marine sediment. The wetland soils areas have water tables near or above the ground surface.  (62) Rutledge Muck - The Rutledge series consists of nearly level, very poorly drained, sandy soils, The high water table is generally at or near the surface,

and areas are subject to frequent flooding for brief periods.

Wetland Category:	Category III
Consistency of Permitted Uses:	All permitted uses. Must meet CCME Policies 4.1.3 and 4.1.6
Environmental Resource Permit (ERP):	Not provided by the applicant
Wetlands Impact:	Insufficient information to determine impacts
Associated Impacts:	The wetlands are within the AE and 0.2 Percent Annual Chance Flood Hazard flood zones
Relevant Policies:	CCME Policies 4.1.3 and 4.1.6

For more information regarding Conservation/Coastal Management Element, please see the attached memo from Community Planning Division.



***(9) Listed species regulations***

No wildlife survey was required as the project is less than the 50-acre threshold.





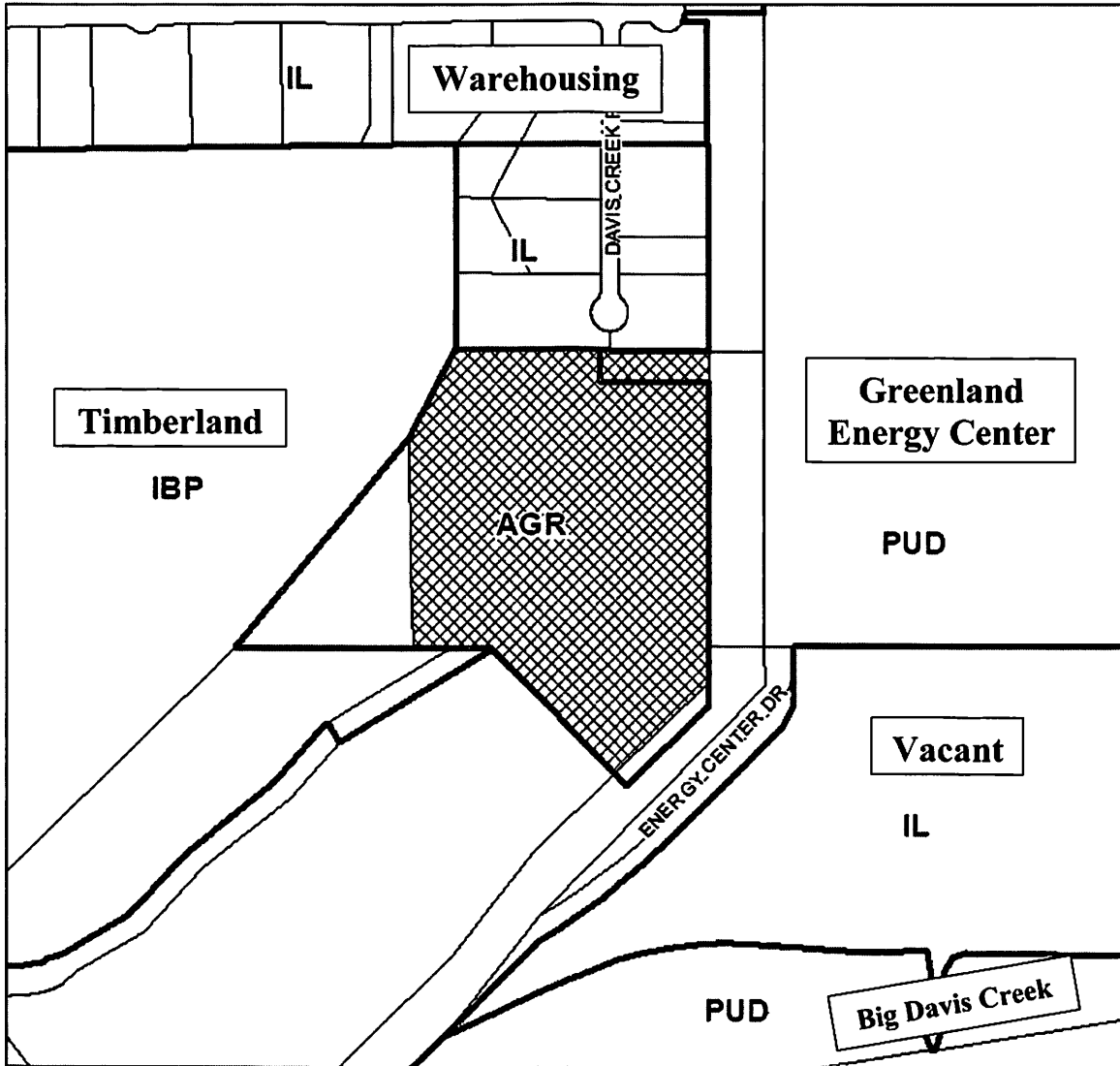
Aerial View

Source: JaxGIS



View of Subject Property

Source: JAXGIS Maps



<p><b>REQUEST SOUGHT:</b></p> <p><b>FROM: AGR &amp; PUD</b></p> <p><b>TO: PUD</b></p>	<p><b>LOCATION MAP:</b></p>	<p><b>COUNCIL DISTRICT:</b></p> <p><b>11</b></p>
<p><b>ORDINANCE NUMBER</b></p> <p><b>ORD-2023-0038</b></p>	<p><b>TRACKING NUMBER</b></p> <p><b>T-2022-4559</b></p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>



21 West Church Street  
Jacksonville, Florida 32202-3139

February 16, 2023

**MEMORANDUM**

**To:** Planning and Development Department

**From:** Susan R. West, PE  
JEA

**Subject:** PUD Zoning Application  
Davis Creek Road East PUD  
ORD 2023-0038

JEA has serious concerns regarding the potential for fugitive dust being blown in the area around the inlet filters to G61 and G62 combustion turbines located at Greenland Energy Center, which is located just east of this proposed facility. A Vulcan facility is located adjacent to the JEA Kennedy Generating Station and there have been an abundance of issues due to fugitive dusting. Recent maintenance to the Kennedy Generating Station revealed that there was a double digit degradation in unit performance due to compressor fouling.

While regulations may be in place regarding fugitive dust, JEA is concerned regarding the enforcement of those regulations and the impacts of fugitive dust on the performance of the electrical generating system which is critical to supplying electricity to the community.

If project proceeds, water, reclaimed water, sewer and electric connections to be consistent with JEA design standards, processes, and procedures. Final project design to meet the JEA Design Standards in effect at the time of construction plan approval.

Additional service and design elements will be addressed following applicant's construction plan review submittal. If you have any questions, please call or email me directly at 904-665-7980 or westsr@jea.com.

**Application For Rezoning To PUD**

**Planning and Development Department Info**

**Ordinance #** 2023-0038 **Staff Sign-Off/Date** ELA / 01/06/2023  
**Filing Date** 01/24/2023 **Number of Signs to Post** 1  
**Hearing Dates:**  
**1st City Council** 02/28/2023 **Planning Commission** 02/23/2023  
**Land Use & Zoning** 03/07/2023 **2nd City Council** 03/14/2023  
**Neighborhood Association** N/A  
**Neighborhood Action Plan/Corridor Study** N/A

**Application Info**

**Tracking #** 4559 **Application Status** FILED COMPLETE  
**Date Started** 10/04/2022 **Date Submitted** 10/17/2022

**General Information On Applicant**

**Last Name** DIEBENOW **First Name** STEVE **Middle Name**  
**Company Name**  
**Mailing Address**  
 ONE INDEPENDENT DRIVE, STE. 1200  
**City** JACKSONVILLE **State** FL **Zip Code** 32202  
**Phone** 9043011269 **Fax** 9043011279 **Email** SDIEBENOW@DRIVERMCAFFEE.COM

**General Information On Owner(s)**

Check to fill first Owner with Applicant Info

**Last Name** N/A **First Name** N/A **Middle Name**  
**Company/Trust Name**  
 SPHINX MANAGEMENT, INC.  
**Mailing Address**  
 219 N. NEWNAN STREET  
**City** JACKSONVILLE **State** **Zip Code** 32202  
**Phone** **Fax** **Email**

**Property Information**

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)**

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 168068 1100	11	3	AGR,IBP,PUD	PUD

Ensure that RE# is a 10 digit number with a space (##### #)

**Existing Land Use Category**

BP

**Land Use Category Proposed?**

**If Yes, State Land Use Application #**

5738

**Total Land Area (Nearest 1/100th of an Acre)** 18.77

**Development Number**

**Proposed PUD Name** DAVIS CREEK ROAD EAST PUD



**Justification For Rezoning Application**

APPLICANT SEEKS THIS PUD TO PERMIT WOOD AND CONCRETE RECYCLING AS FURTHER OUTLINED IN THE WRITTEN DESCRIPTION.

**Location Of Property****General Location**

EAST OF PHILIPS HIGHWAY AND SOUTH OF DAVIS CREEK ROAD EAST

House #	Street Name, Type and Direction	Zip Code
11651	DAVIS CREEK RD E	32256

**Between Streets**

PHILIPS HIGHWAY and DAVIS CREEK ROAD EAST

**Required Attachments For Formal, Complete application**

The following items must be labeled as exhibits and attached to application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below and the PUD Check List for inclusion of information required.

- Exhibit 1** : A very clear, accurate and legible legal description of the property that must be only and entirely placed on the JP&DD formatted forms provided with the application package. The legal description may be either lot and block or metes and bounds.
- Exhibit A** : Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** : Agent Authorization - Notarized letter(s) designating the agent.
- Exhibit C** : Binding Letter.
- Exhibit D** : Written description in accordance with the PUD Checklist and with provision for dual page numbering by the JP&DD staff.
- Exhibit E** : Scalable site plan with provision for dual page numbering by the JP&DD staff drawn at a scale large enough to clearly indicate the following: (a) North arrow and scale; (b) Property lines and dimensions of the site; (c) Building locations and building lot coverage; (d) Parking area; (e) Required Landscaped Areas; (f) All ingress and egress locations (driveways, alleys and easements) within 660 feet; (g) Adjacent streets and rights-of-way; (h) jurisdictional wetlands; and (i) existing site conditions and improvements that will be undisturbed.
- Exhibit F** : Land Use Table
- Exhibit G** : Copy of the deed to indicate proof of property ownership.

**Supplemental Information**

Supplemental Information items are submitted separately and not part of the formal application

- Exhibit H** : Aerial Photograph.
- Exhibit I** : Listed Species Survey (If the proposed site is greater than fifty acres).
- Exhibit J** : Other Information as required by the Department (i.e.-\*building elevations, \*signage details, traffic analysis, etc.).
- Exhibit K** : Site Location Map.

**Public Hearings And Posting Of Signs**

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be **POSTED** on the property **BY THE APPLICANT** within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING.** (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF**

PUBLICATION to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

**Application Certification**

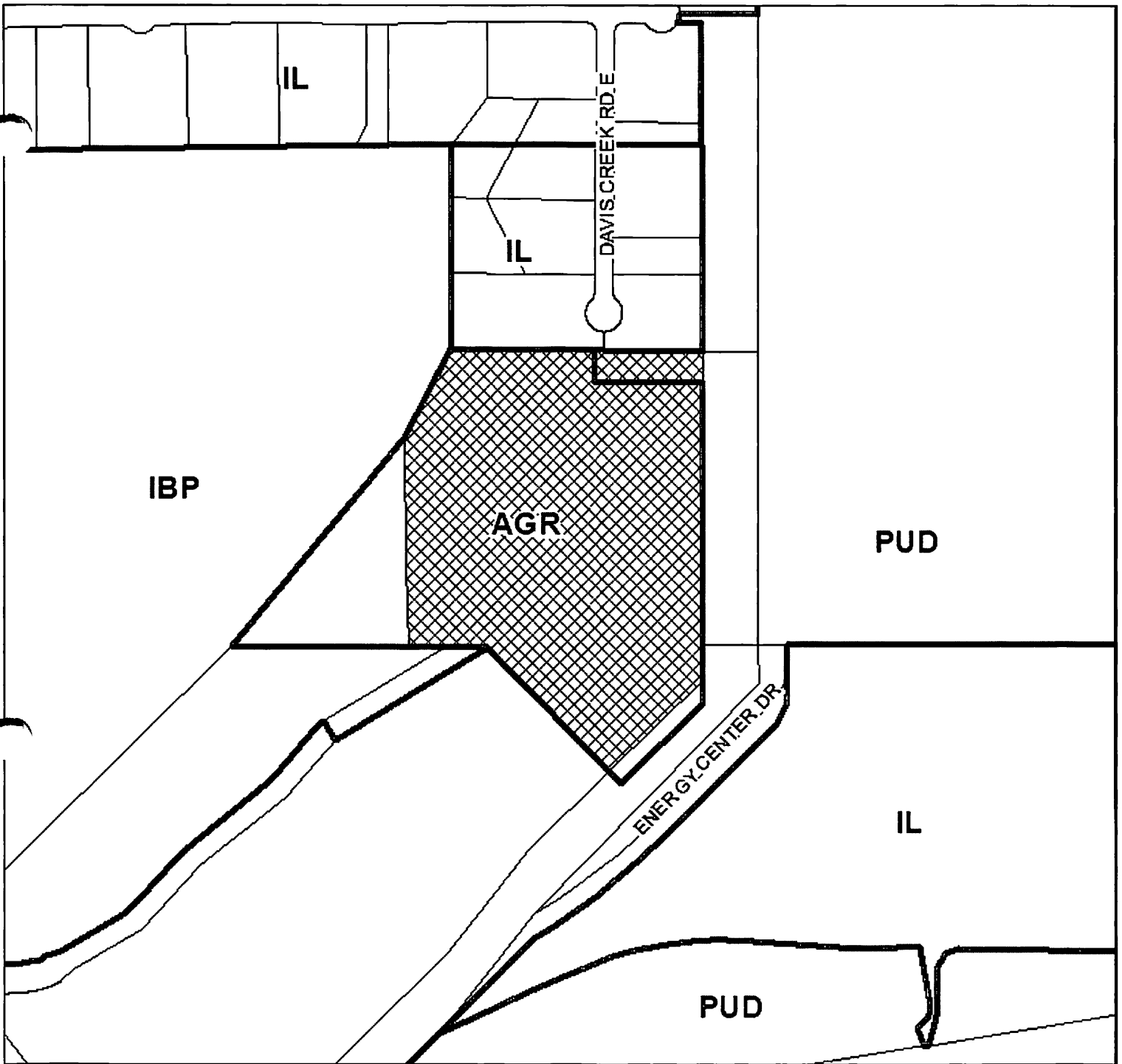
I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

Agreed to and submitted

**Filing Fee Information**

- 1) Rezoning Application's General Base Fee: \$2,269.00
- 2) Plus Cost Per Acre or Portion Thereof  
    18.77 Acres @ \$10.00 /acre: \$190.00
- 3) Plus Notification Costs Per Addressee  
    9 Notifications @ \$7.00 /each: \$63.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,522.00

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

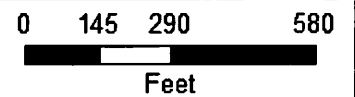
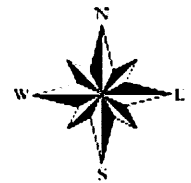
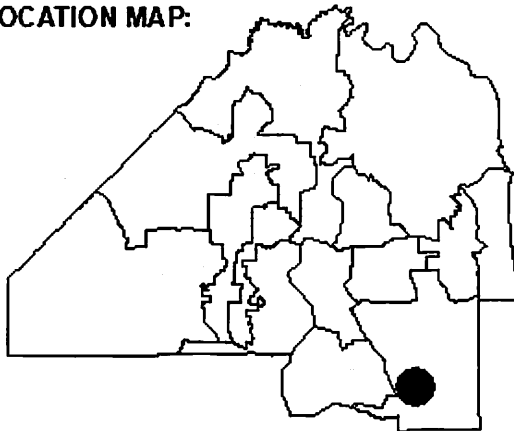


**REQUEST SOUGHT:**

**FROM: AGR & PUD & IBP**

**TO: PUD**

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**11**

**TRACKING NUMBER**

**T-2022-4559**

**EXHIBIT 2  
PAGE 1 OF 1**

**EXHIBIT 1**

**LEGAL DESCRIPTION**

**October 4, 2022**

A PORTION OF GOVERNMENT LOT 1, SECTION 18, TOGETHER WITH A PORTION OF THE MARY ANN DAVIS GRANT, SECTION 37, ALL LYING IN TOWNSHIP 4 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 1, SECTION 18 AND RUN THENCE NORTH 89° 37' 38" WEST, ALONG THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 1, SECTION 18 AND ALONG THE NORTHERLY LINE OF SAID MARY ANN DAVIS GRANT, SECTION 37, A DISTANCE OF 150.00 FEET TO THE NORTHWESTERLY CORNER OF A 150 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY AS DESCRIBED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2081, PAGE 43 FOR THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING THUS DESCRIBED RUN THENCE SOUTH 00° 04' 22" EAST ALONG THE WESTERLY LINE OF SAID JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY, A DISTANCE OF 43.16 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; RUN THENCE SOUTH 45° 30' 41" WEST ALONG THE NORTHWESTERLY LINE OF SAID JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY, A DISTANCE OF 456.19 FEET; RUN THENCE NORTH 44° 29' 19" WEST, A DISTANCE OF 514.87 FEET TO A SOUTHWESTERLY CORNER OF SAID GOVERNMENT LOT 1, SECTION 18; RUN THENCE NORTH 89° 37' 38" WEST, A DISTANCE OF 200.00 FEET; RUN THENCE NORTH 00° 22' 22" EAST, A DISTANCE OF 569.32 FEET; RUN THENCE NORTH 40° 57' 35" EAST, A DISTANCE OF 307.41 FEET TO A POINT AT THE SOUTHWESTERLY CORNER OF LOT 13, AS SHOWN ON THE PLAT OF DAVIS CREEK BUSINESS PARK UNIT TWO, AS RECORDED IN PLAT BOOK 51, PAGES 94 AND 94A OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; RUN THENCE SOUTH 89° 36' 55" EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 13, TO AND ALONG THE SOUTHERLY LINE OF LOT 12, SAID DAVIS CREEK BUSINESS PARK UNIT TWO, A DISTANCE OF 679.97 FEET TO A POINT ON THE WEST LINE OF A 150 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT AS DESCRIBED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2077, PAGE 6; THENCE SOUTH 00° 04' 22" EAST, ALONG LAST MENTIONED WEST EASEMENT LINE, A DISTANCE OF 802.66 FEET TO THE POINT OF BEGINNING.

THE LANDS THUS DESCRIBED CONTAIN 18.77 ACRES, MORE OR LESS.

**PUD WRITTEN DESCRIPTION  
DAVIS CREEK ROAD EAST PUD  
October 13, 2022**

**I. PROJECT DESCRIPTION**

A. Number of acres, location of site, existing use, surrounding uses, types of businesses, and proposed uses: Applicant proposes to rezone approximately 18.77 acres of property to allow for wood and concrete recycling and other light industrial uses for a portion of the property located at 11651 Davis Creek Road East (RE# 168068 1100) as more particularly described in Exhibit 1 (the "Property") and conceptually depicted in the Site Plan filed herewith. The Property is located within the BP land use category and is zoned AGR, IBP and PUD per Ordinance 2009-0532. The Property is located within the Suburban Development Area and abuts an area of industrial situational compatibility.

Currently, the Property is used to recycle wood pursuant to a certificate of public convenience and necessity approved pursuant to Ordinance 2012-187. Due to the increasing demand, Applicant intends to also offer concrete storage, crushing and recycling services. To permit that use, Applicant has filed a land use amendment application requesting Heavy Industrial land use and this PUD, which permits the aforementioned recycling uses in addition to uses consistent with the Industrial Light zoning district.

The surrounding land use and zoning designations are as follows:

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>	<i>Existing Use</i>
North	LI	IL	American Lighting and Signalization / Hunter Electric / Nelson Plumbing
East	BP/PBF	PUD (2009-532)	Energy Center Drive / JEA Greenland Water Treatment Plant and Energy Facility
South	PBF	PUD (2009-532)	Energy Center Drive / Undeveloped
West	BP/PBF	IBP/PUD (2009-532)	Undeveloped

- B. Project name: Davis Creek Road East PUD.
- C. Project engineer: N/A.
- D. Project developer: Greenland Biomass, LLC.
- E. Project agent: Driver, McAfee, Hawthorne & Diebenow, PLLC.
- F. Current land use designation: BP.

G. Current zoning district: AGR, IBP and PUD (2009-0532).

H. Requested land use designation: HI.

I. Requested zoning district: PUD.

J. Real estate numbers: 168068 1100.

## **II. QUANTITATIVE DATA**

A. Total acreage: 18.77 acres.

B. Total amount of wood and concrete recycling: ±18.77 acres.

## **III. STATEMENTS**

A. How does the proposed PUD differ from the usual application of the Zoning Code?

This PUD generally adopts the zoning code provisions applicable to the industrial light zoning district, while permitting recycling facilities and yards, including construction and demolition debris recycling facilities, and yard waste composting facilities including the mulching process. Designated parking and loading spaces are not required for recycling uses, and access drives shall have no minimum width and may be composed of dirt, gravel or other materials. Additional landscaping from the on-site existing conditions shall not be required for recycling uses.

B. Describe the intent for the continued operation and maintenance of those areas and functions described herein and facilities which are not to be provided, operated or maintained by the City.

Owner will be responsible for the operation and maintenance of the areas and functions described herein and any facilities that are not provided, operated or maintained by the City.

## **IV. USES AND RESTRICTIONS**

A. Permitted Uses:

1. Recycling facilities and yards, including construction and demolition recycling facilities, subject to the following requirements:

a. Concrete, wood and other materials to be recycled may come from sources other than construction or demolition projects.

- b. Before operations begin, the facility must obtain any permit required under City, federal or state laws or regulations. Construction and demolition recycling facilities shall also obtain a certificate of public convenience and necessity under Chapter 380, Ordinance Code, and a service agreement under Chapter 386, Ordinance Code.
  - c. The facility shall operate at all times in compliance with all City, state and federal permits, laws and ordinances, and rules and regulations.
  - d. Operations shall pause if at any time a permit is suspended or revoked, provided that operations may resume once all applicable permits are reinstated.
2. Yard waste composting facility including the mulching process, meeting the performance standards and development criteria set forth in Part 4.
3. Wholesaling, warehousing, storage or distribution establishments (but not concrete batch mixing plants) and similar uses.
4. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating.
5. Printing, publishing or similar establishments.
6. Business and professional offices.
7. Service establishments catering to commerce and industry, including linen supply, laundry and dry cleaning plants, freight movers, communications services, business machine services, hiring and union halls, employment agencies, sign companies.
8. Restaurants, (regulated by DBPR - Division of Hotels and Restaurants) including retail sale and service of beer and wine for consumption on premises.
9. Automobile service stations, major repair garages, mobile car detailing, auto laundry, and automated car wash meeting the performance standards and development criteria set forth in Part 4.
10. Vocational, technical, trade or industrial schools and similar uses.
11. Medical clinics.
12. Freight, bus, trucking, shipping or other transportation terminals, commercial parking lots and garages, truck stops, express offices and terminal facilities and telephone exchanges, repair or installation facilities and similar uses.
13. Radio or television broadcasting offices, studios, transmitters, telephone and cellular telephone towers.

14. Scrap processing, indoor, clean activity, meeting the performance standards and development criteria set forth in Part 4.
15. Bulk storage yards, (but not concrete batch mixing plants) including bulk storage of flammable liquids and acids if storage not within a completely enclosed building or structure is visually screened by a six-foot fence or wall not less than ninety-five percent (95%) opaque.
16. Building trades contractors with outside storage yards and heavy construction equipment if storage, including heavy construction machinery, not within a completely enclosed building or structure, is visually screened by a six-foot fence or wall not less than ninety-five percent (95%) opaque.
17. Outdoor storage yards and lots including auto storage yards (but not scrap processing yards or concrete batch mixing plants) if storage is completely enclosed by a six-foot fence or wall not less than 95 percent opaque.
18. Retail outlets in conjunction with wholesaling establishments if the area designated for retail sales does not exceed ten percent of the gross floor area of the building of which it is a part.
19. Banks, including drive-thru tellers.
20. Recycling facilities meeting the performance standards and development criteria set forth in Part 4.
21. Retail sales of heavy machinery, farm equipment and building materials including outside display.
22. Essential services, including water, sewer, gas, telephone, radio and electric, meeting the performance standards and development criteria set forth in Part 4.
23. Veterinarians, animal boarding, and dog parks meeting the performance standards and development criteria set forth in Part 4.

**B. Permissible Uses by Exception:**

1. An industrial or commercial use which is not otherwise permitted or permissible in the Zoning Code, except the following:
  - a. Acid, chemical, fertilizer or insecticide manufacture or storage.
  - b. Explosives manufacturing or storage.



- c. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
  - d. Paper and pulp manufacture.
  - e. Petroleum refining.
  - f. Stockyards or feeding pens and livestock auctions.
  - g. A use which is potentially dangerous, noxious or offensive to neighboring uses or the public in general by reason of smoke, odor, noise, flare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation.
2. Care centers meeting the performance standards and development criteria set forth in Part 4.
  3. Churches, including a rectory and similar uses, meeting the performance standards and development criteria set forth in Part 4.
  4. Retail sales and service of all alcoholic beverages for either off-premises consumption or on-premises consumption or both.
  5. Retail sales including outside display.
  6. Manual car wash.
  7. Fitness centers.

C. Permitted Accessory Uses and Structures:

1. As permitted in Section 656.403.
2. Residential facilities (including not more than one (1) mobile home) located on the same premises as the industrial use for the use of watchmen or caretakers whose employment requires residence on the premises.

**V. DESIGN GUIDELINES**

A. Lot Requirements:

1. Minimum lot width and area: None.
2. Maximum lot coverage by all buildings. None. Impervious surface ratio as required by Section 654.129.
3. Minimum yard requirements.

- a. Front – None.
  - b. Side – None.
  - c. Rear – None.
4. Maximum height of structures:
- a. None.

**B. Ingress, Egress and Circulation:**

- 1. *Parking Requirements.* Designated parking and loading spaces are not required for recycling uses provided that the Property maintains sufficient space to safely park, load and unload vehicles and trucks. Bicycle parking is not required. Parking for all other uses shall comply with Part 6.
- 2. *Vehicular Access.* Vehicular access to the Property shall be by way of Energy Center Drive and Davis Creek Road East, substantially as shown on the Site Plan. On-site drive aisles and driveways shall have no minimum width and may be composed of dirt, gravel or any other material that may be safely traversed.
- 3. *Pedestrian Access.* As required by City regulations.

**C. Signs:** Signs for this development shall be consistent with the requirements for industrial zoning districts as set forth in Part 13 of the Zoning Code.

**D. Landscaping:** Landscaping for recycling uses shall not be required provided that the existing conditions of the Property are maintained or improved to facilitate more efficient recycling operations.

**E. Recreation and Open Space:** Recreation and open space shall be provided as required by the 2030 Comprehensive Plan.

**F. Utilities:** Essential services, including water, sewer, and gas, as required to serve the project shall be permitted on the site. Development shall occur consistent with the adopted level of service standards for potable water and sanitary sewer in the Comprehensive Plan. Temporary potable services (e.g., well) may be utilized at the discretion of the Property owner until such time that centralized water is required by applicable regulations to service proposed development. The necessary facilities, including adequate water supplies, will be in place and available to serve the new development when such development impacts occur.

**G. Wetlands:** Development which would impact wetlands will be permitted in accordance with local, state and federal requirements.

## **VI. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT**

In accordance with Section 656.341(d) of the Code the PUD meets the applicable Criteria for review as follows:

- A. Consistency with the Comprehensive Plan.** The proposed PUD is consistent with the general purpose and intent of the City's 2030 Comprehensive Plan and Land Use Regulations, will promote the purposes of the City's 2030 Comprehensive Plan and specifically contributes to:

### *Future Land Use Element*

1. Goal 1 - To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.
2. Objective 1.1 - Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.
3. Policy 1.1.8 - Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.
4. Policy 1.1.9 - Permit development only if it does not exceed the densities and intensities established in the Future Land Use Element as defined by the Future Land Use map category description and their associated provisions.
5. Policy 1.1.12 - Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.
6. Policy 1.1.16 - Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:

- (1) Creation of like uses;
  - (2) Creation of complementary uses;
  - (3) Enhancement of transportation connections;
  - (4) Use of noise, odor, vibration and visual/ aesthetic controls; and/or
  - (5) Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.
7. Policy 1.1.22 - Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.
  8. Goal 3 - To achieve a well balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.
  9. Objective 3.1 - Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.
  10. Objective 3.2 - Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.
  11. Policy 3.2.7 – The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.
  12. Policy 3.2.17 - The City shall require the Land Development Regulations to include incentives for new industry to locate in the form of industrial parks, centers, etc, in areas shown for industrial use on the Future Land Use Map series. Allow light industry to locate as a supporting use in mixed use PUD's outside areas designated for industrial use when the locational criteria and other provisions of this element, and all applicable development regulations are met.
  13. Policy 3.2.29 – The City shall continue to update its comprehensive inventory and mapping of industrial lands to identify and protect existing strategically located industrial lands for future expansion and economic development. These areas are crucial to the long term economic well-being of the City and are identified on the

Industrial Preservation Map (Map L-23) as “Industrial Sanctuary” or “Areas of Situational Compatibility”.

14. Objective 6.3 - The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.
- B. Consistency with the Concurrency Management System.** All development will secure necessary approvals from the CMMSO and pay all required fees in accordance with Chapter 655 of the Code.
- C. Allocation of residential land use.** Residential uses are not proposed in this PUD.
- D. Internal compatibility.** The Site Plan attached as Exhibit E addresses access and circulation within the site. Access to the site is available from Davis Creek Road East and Energy Center Drive.
- E. External compatibility / Intensity of development.**

The proposed development is consistent with and complimentary to existing uses in the area. Just to the north of the Property is an Industrial Area of Situational Compatibility, which are areas suitable for industrial uses under certain circumstances. This area on the east side of Philips Highway consists of approximately six hundred thirteen (613) acres, of which approximately four hundred eighty-five (485) acres are currently entitled and used for industrial operations. The lone non-industrial area is approximately three-quarters (3/4) of a mile away from the Property. Part of these non-industrial properties are used for industrial uses, including truck and trailer storage.

While an extension is not requested, the Property also fits the criteria for inclusion within the Area of Situational Compatibility. The Property is currently located within the BP land use category, an industrial designation. This PUD will allow for industrial uses consistent with the Industrial Light zoning district, with the addition of wood and concrete recycling. The Property’s current AG zoning designation permits either by right or by exception a litany of industrial uses, including land application of domestic sludge, sanitary landfills and construction and demolition debris landfills or recycling facilities when in conjunction with another allowed use, sludge disposal, and yard waste composting facilities including the mulching process. The Property has been used for wood recycling for an extended period, and the Area of Situational Compatibility could be delineated on a reasonable boundary line. The most reasonable place to end the Area of Situational Compatibility would be south of the Property and north of Big Davis Creek and would include the JEA power and water treatment plant as well as another parcel zoned IL. Ironically, the current boundary line cuts through the middle of a parcel and retention pond that is zoned IBP.

The presence of the JEA power and water treatment plant and the industrial light parcel to the south of the Property serve as valuable transitional pieces that make this PUD and the companion HI land use amendment request consistent and compatible with the overall area to the south. Should these requests be granted, the land use would gradually transition south from HI, to PBF, to BP, to IL, to CSV (Big Davis Creek), to MDR. The multi-family development approved pursuant to Ordinance 2022-0072 is clustered east along Philips Highway, reserving the western portion for stormwater. As a result, the closest corner of the Property will be approximately one-quarter (1/4) of a mile away from the closest multi-family residence. In contrast, there is a currently operating concrete recycling facility located west of Philips Highway (6498 & 11901 Fayal Dr. S, REs 157138 0900 & 157138 0000) that is approximately 0.08 miles from a single family home.

Wood recycling is an existing use. Recycling wood requires a high-powered, high-revolution grinder while the machines used to recycle concrete create a lower pitched grumble which produce less noise and less dust. Both uses are subject to a multitude of environmental and air-quality permits that regulate and limit the amount of airborne particulate. Further, this PUD specifically requires that all permits are complied with and that operations shall cease if such permits are for any reason paused or revoked. In short, neither noise nor dust emanating from the proposed uses will negatively impact the multi-family project due to the sheer distance between the two uses and the strict regulatory framework imposed on the proposed uses.

In conclusion, this PUD and the companion HI land use amendment are consistent and compatible with the surrounding properties, both adjacent and within the general community. The proposed uses in this PUD are in line with the overarching industrial development pattern spanning hundreds of acres to the north, and there is sufficient distance from any potentially inconsistent land uses to ensure compatibility.

- F. **Usable open spaces, plazas, recreation areas.** Open space in compliance with the 2030 Comprehensive Plan will be provided.
- G. **Impact on wetlands.** Development which would impact wetlands will be permitted in accordance with local, state and federal requirements.
- H. **Listed species regulations.** The Property is less than fifty (50) acres and therefore a listed species survey is not required.
- I. **Off-Street parking including loading and unloading areas.** The proposed PUD does not require specifically designated parking or loading spaces due to the existing operations, the nature of the proposed uses, and available space on the Property.
- J. **Sidewalks, trails and bikeways.** Pedestrian circulation will be addressed consistent with the City regulations.



**EXHIBIT F**

**Land Use Table**

Total gross acreage	<u>18.77</u> Acres	<u>100</u> %
Amount of each different land use by acreage		
Single family	_____ Acres	_____ %
Total number of dwelling units	_____ D.U.	
Multiple family	_____ Acres	_____ %
Total number of dwelling units	_____ D.U.	
Commercial	_____ Acres	_____ %
Industrial	<u>18.77</u> Acres	<u>100</u> %
Other land use (Hospital and related uses)	_____ Acres	_____ %
Active recreation and/or open space	_____ Acres	_____ %
Passive open space	_____ Acres	_____ %
Public and private right-of-way	_____ Acres	_____ %

The land use estimates in this table are subject to change within the allowable densities and intensities of use, as set forth in the PUD Written Description. The maximum coverage by buildings and structures is subject to the PUD Written Description.