

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-71**

5 AN ORDINANCE ADOPTING A LARGE-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 LOW DENSITY RESIDENTIAL
9 (LDR), COMMUNITY/GENERAL COMMERCIAL (CGC) AND
10 BUSINESS PARK (BP) TO MEDIUM DENSITY RESIDENTIAL
11 (MDR), COMMUNITY/GENERAL COMMERCIAL (CGC),
12 CONSERVATION (CSV) AND LIGHT INDUSTRIAL (LI) ON
13 APPROXIMATELY 81.49± ACRES IN COUNCIL DISTRICT 11
14 AT 0 PHILIPS HIGHWAY, BETWEEN ENERGY CENTER DRIVE
15 AND SEVERN STREET (R.E. NOS. 167907-0010
16 (PORTION), 168152-0110, 168152-0220 (PORTION)
17 AND 168152-0310 (PORTION)), OWNED BY SPHINX
18 MANAGEMENT, INC., SWEETWATER FARM ENTERPRISES,
19 INC., AND DAVIS CREEK FOREST, INC., AS MORE
20 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
21 APPLICATION NUMBER L-5527-21A; PROVIDING A
22 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
23 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
24 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
25 DATE.

26
27 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
28 *Ordinance Code*, an application for a proposed Large-Scale Amendment
29 to the Future Land Use Map series (FLUMs) of the 2030 *Comprehensive*
30 *Plan* to change the future land use designation from Low Density
31 Residential (LDR), Community/General Commercial (CGC) and Business

1 Park (BP) to Medium Density Residential (MDR), Community/General
2 Commercial (CGC), Conservation (CSV) and Light Industrial (LI), has
3 been filed by Cyndy Trimmer, Esq., on behalf of Sphinx Management,
4 Inc., Sweetwater Farm Enterprises, Inc., and Davis Creek Forest,
5 Inc., the owners of certain real property located in Council District
6 11, as more particularly described in Section 2; and

7 **WHEREAS**, the City, by the adoption of Ordinance 2021-336-E,
8 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
9 for transmittal to the Department of Economic Opportunity (DEO), as
10 the State Land Planning Agency, and other required state agencies,
11 for review and comment; and

12 **WHEREAS**, by various letters and e-mails, the DEO and other state
13 reviewing agencies transmitted their comments, if any, regarding this
14 proposed amendment; and

15 **WHEREAS**, the Planning and Development Department reviewed the
16 proposed revision and application, considered all comments received,
17 prepared a written report, and rendered an advisory recommendation
18 to the Council with respect to this proposed amendment; and

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

24 **WHEREAS**, pursuant to Section 650.406, *Ordinance Code*, the Land
25 Use and Zoning (LUZ) Committee held a public hearing on this proposed
26 amendment, and made its recommendation to the City Council; and

27 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*, and
28 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public
29 hearing with public notice having been provided on this proposed
30 amendment to the *2030 Comprehensive Plan*; and

31 **WHEREAS**, the City Council further considered all oral and

1 written comments received during public hearings, including the data
2 and analysis portions of this proposed amendment to the *2030*
3 *Comprehensive Plan*, the recommendations of the Planning and
4 Development Department, the LPA, the LUZ Committee and the comments,
5 if any, of the DEO and the other state reviewing agencies; and

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

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

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

20 **Section 2. Subject Property Location and Description.** The
21 approximately 81.49± acres are located in Council District 11 at 0
22 Philips Highway, between Energy Center Drive and Severn Street (R.E.
23 Nos. 167907-0010 (portion), 168152-0110, 168152-0220 (portion) and
24 168152-0310 (portion)), as more particularly described in **Exhibit 1**,
25 dated April 21, 2021, and graphically depicted in **Exhibit 2**, both of
26 which are **attached hereto** and incorporated herein by this reference
27 (the "Subject Property").

28 **Section 3. Owner and Applicant Description.** The Subject
29 Property is owned by Sphinx Management, Inc., Sweetwater Farm
30 Enterprises, Inc., and Davis Creek Forest, Inc. The applicant is
31 Cyndy Trimmer, Esq., 1 Independent Drive, Suite 1200, Jacksonville,

1 Florida 32202; (904) 807-0185.

2 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
3 City Council hereby adopts a proposed Large-Scale revision to the
4 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
5 the Future Land Use designation from Low Density Residential (LDR),
6 Community/General Commercial (CGC) and Business Park (BP) to Medium
7 Density Residential (MDR), Community/General Commercial (CGC),
8 Conservation (CSV) and Light Industrial (LI), pursuant to Application
9 Number L-5527-21A.

10 **Section 5. Applicability, Effect and Legal Status.** The
11 applicability and effect of the *2030 Comprehensive Plan*, as herein
12 amended, shall be as provided in the Community Planning Act, Sections
13 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
14 development undertaken by, and all actions taken in regard to
15 development orders by governmental agencies in regard to land which
16 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
17 be consistent therewith as of the effective date of this amendment
18 to the plan.

19 **Section 6. Effective Date of this Plan Amendment.** Unless
20 this plan amendment is timely challenged under the procedures set
21 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
22 shall be effective thirty-one (31) days after DEO notifies the City
23 that the plan amendment or plan amendment package is complete. If
24 this plan amendment is timely challenged under Section 163.3184(3),
25 *Florida Statutes*, this plan amendment shall become effective when the
26 DEO or the Administration Commission enters a final order determining
27 the adopted amendment to be in compliance. If this plan amendment
28 is found not to be in compliance under the standards and procedures
29 set forth in Chapter 163, Part II, *Florida Statutes*, then this plan
30 amendment shall become effective only by further action by the City
31 Council. No development orders, development permits, or land uses

1 dependent on this amendment may be issued or commence before it has
2 become effective.

3 **Section 7. Disclaimer.** The amendment granted herein shall
4 **not** be construed as an exemption from any other applicable local,
5 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 amendment 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 amendment 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 8. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved:

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21 /s/ Mary E. Staffopoulos

22 Office of General Counsel

23 Legislation Prepared By: Ed Lukacovic

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