

1 Introduced and amended by the Land Use and Zoning Committee:  
2  
3

4 **ORDINANCE 2022-72-E**

5 AN ORDINANCE REZONING APPROXIMATELY 54.48± ACRES  
6 IN COUNCIL DISTRICT 11 AT 0 PHILIPS HIGHWAY,  
7 BETWEEN ENERGY CENTER DRIVE AND SEVERN STREET  
8 (R.E. NOS. 167907-0010, 168152-0110, 168152-  
9 0220 (PORTION) AND 168152-0310) OWNED BY SPHINX  
10 MANAGEMENT, INC., SWEETWATER FARM ENTERPRISES,  
11 INC., AND DAVIS CREEK FOREST, INC., AS DESCRIBED  
12 HEREIN, FROM COMMERCIAL OFFICE (CO) DISTRICT,  
13 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT,  
14 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT AND  
15 AGRICULTURE (AGR) DISTRICT TO PLANNED UNIT  
16 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
17 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
18 RESIDENTIAL, COMMERCIAL AND CONSERVATION USES,  
19 AS DESCRIBED IN THE DAVIS CREEK PUD, PURSUANT TO  
20 FUTURE LAND USE MAP SERIES (FLUMS) LARGE-SCALE  
21 AMENDMENT APPLICATION L-5527-21A; PUD SUBJECT TO  
22 CONDITION; PROVIDING A DISCLAIMER THAT THE  
23 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
24 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
25 PROVIDING AN EFFECTIVE DATE.  
26

27 **WHEREAS,** the City of Jacksonville adopted a Large-Scale  
28 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
29 portions of the Future Land Use Map series (FLUMS) in order to ensure  
30 the accuracy and internal consistency of the plan, pursuant to the  
31 companion land use ordinance for application L-5527-21A; and

1           **WHEREAS**, in order to ensure consistency of zoning district with  
2 the *2030 Comprehensive Plan* and the adopted companion Large-Scale  
3 Amendment L-5527-21A, an application to rezone and reclassify from  
4 Commercial Office (CO) District, Residential Low Density-60 (RLD-60)  
5 District, Residential Rural-Acre (RR-Acre) District and Agriculture  
6 (AGR) District to Planned Unit Development (PUD) District was filed  
7 by Cyndy Trimmer, Esq., on behalf of Sphinx Management, Inc.,  
8 Sweetwater Farm Enterprises, Inc., and Davis Creek Forest, Inc., the  
9 owners of approximately 54.48± acres of certain real property in  
10 Council District 11, as more particularly described in Section 1; and

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

15           **WHEREAS**, the Planning Commission has considered the application  
16 and has rendered an advisory opinion; and

17           **WHEREAS**, the Land Use and Zoning (LUZ) Committee after due notice  
18 held a public hearing and made its recommendation to the Council; and

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

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

1 Development) of the *Zoning Code* of the City of Jacksonville; now,  
2 therefore

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

4 **Section 1. Subject Property Location and Description.** The  
5 approximately 54.48± acres are in Council District 11 at 0 Philips  
6 Highway, between Energy Center Drive and Severn Street (R.E. Nos.  
7 167907-0010, 168152-0110, 168152-0220 (portion) and 168152-0310), as  
8 more particularly described in **Exhibit 1**, dated November 18, 2021,  
9 and graphically depicted in **Exhibit 2**, both of which are **attached**  
10 **hereto** and incorporated herein by this reference (the "Subject  
11 Property").

12 **Section 2. Owner and Applicant Description.** The subject  
13 property is owned by Sphinx Management, Inc., Sweetwater Farm  
14 Enterprises, Inc., and Davis Creek Forest, Inc. The applicant is  
15 Cyndy Trimmer, Esq., 1 Independent Drive, Suite 1200, Jacksonville,  
16 Florida 32202; (904) 807-0185.

17 **Section 3. Property Rezoned.** The Subject Property,  
18 pursuant to adopted companion Large-Scale Amendment L-5527-21A, is  
19 hereby rezoned and reclassified from Commercial Office (CO) District,  
20 Residential Low Density-60 (RLD-60) District, Residential Rural-Acre  
21 (RR-Acre) District and Agriculture (AGR) District to Planned Unit  
22 Development (PUD) District. This new PUD district shall generally  
23 permit residential, commercial and conservation uses, and is  
24 described, shown and subject to the following documents, **attached**  
25 **hereto:**

26 **Exhibit 1** - Legal Description dated November 18, 2021.

27 **Exhibit 2** - Subject Property Map (prepared by P&DD).

28 **Revised Exhibit 3** - Revised Written Description dated February 11,  
29 2022.

30 **Exhibit 4** - Site Plan dated January 7, 2022.

31 **Section 4. Rezoning Approved Subject to Condition.** This

1 rezoning is approved subject to the following condition. Such  
2 condition controls over the Written Description and the Site Plan and  
3 may only be amended through a rezoning:

4 (1) All uses on the Subject Property will conform to Section  
5 656.608 of the Zoning Code for bicycle parking requirements.

6 **Section 5. Contingency.** This rezoning shall not become  
7 effective until 31 days after adoption of the companion Large-Scale  
8 Amendment unless challenged by the state land planning agency; and  
9 further provided that if the companion Large-Scale Amendment is  
10 challenged by the state land planning agency, this rezoning shall not  
11 become effective until the state land planning agency or the  
12 Administration Commission issues a final order determining the  
13 companion Large-Scale Amendment is in compliance with Chapter 163,  
14 *Florida Statutes*.

15 **Section 6. Disclaimer.** The rezoning granted herein shall  
16 not be construed as an exemption from any other applicable local,  
17 state, or federal laws, regulations, requirements, permits or  
18 approvals. All other applicable local, state or federal permits or  
19 approvals shall be obtained before commencement of the development  
20 or use and issuance of this rezoning is based upon acknowledgement,  
21 representation and confirmation made by the applicant(s), owner(s),  
22 developer(s) and/or any authorized agent(s) or designee(s) that the  
23 subject business, development and/or use will be operated in strict  
24 compliance with all laws. Issuance of this rezoning does not approve,  
25 promote or condone any practice or act that is prohibited or  
26 restricted by any federal, state or local laws.

27 **Section 7. Effective Date.** The enactment of this Ordinance  
28 shall be deemed to constitute a quasi-judicial action of the City  
29 Council and shall become effective upon signature by the Council  
30 President and the Council Secretary.

31

1 Form Approved:

2

3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Erin Abney

6 GC-#1489955-v1-2022-72-E