

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

4 **ORDINANCE 2023-38-E**

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; PUD  
20 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER  
21 THAT THE REZONING GRANTED HEREIN SHALL NOT BE  
22 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
23 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
24

25 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
26 Amendment to the *2045 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 *2045 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 *2045 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 *2045 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 **Revised Exhibit 3** - Revised Written Description dated April 18, 2023.

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

25           **Section 4.           Rezoning Approved Subject to Condition.** This  
26 rezoning is approved subject to the following condition. Such  
27 condition controls over the Written Description and the Site Plan and  
28 may only be amended through a rezoning:

29           (1) In the event JEA notifies the operator in writing that  
30 fugitive dust and/or fumes from concrete crushing operations on the  
31 site are interfering with JEA operations at the Greenland Energy

1 Center, the operator will cease concrete crushing operations until  
2 all issues are remedied.

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

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

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

1 Form Approved:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Erin Abney

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