

BEFORE THE ENVIRONMENTAL
PROTECTION BOARD OF THE CITY OF
JACKSONVILLE

IN RE: Application for Noise Variance of

OSPREY RIVER, LLC

ORDER APPROVING, WITH CONDITIONS,
APPLICATION FOR NOISE VARIANCE

This matter came to be heard upon the Application for Noise Variance filed by Osprey River, LLC (“Applicant”), the owner of certain real property located at 715 Clay Street (Re#074306-0010) seeking a variance from 1) Jacksonville Environmental Protection Board (JEPB) Rule 4.208 to allow operations with impulsive sounds that may exceed the sound levels stipulated (55dBA for Class A and B land use), 2) JEPB Rule 4.209A. to allow the operation of construction equipment during nighttime hours, 3) JEPB Rule 4.209C. to allow the operation of construction equipment during daytime hours in exceedance of sound levels established by rule (75 dBA for Class C, 65 dBA for Class A and B land use).

Having duly considered both the testimonial and documentary evidence presented at the public hearing on June 16, 2025, including the Applicant’s presentation, and the Report of the Environmental Quality Division and the attachments thereto (“Staff Report”), a copy of which is attached as **Exhibit A**, the Environmental Protection Board of the City of Jacksonville hereby:

FINDS AND DETERMINES:

1. That the Applicant has complied with all application requirements set forth in Section 360.111 of the Jacksonville Ordinance Code.
2. That the need for the variance applied for arises out of a necessity to relieve or prevent a hardship and is based on sound technical, economic, or environmental data.
3. That the record contains sufficient substantial competent evidence to demonstrate that the Application meets, to the extent applicable and as modified by any conditions contained herein, the standards and criteria set forth in Section 360.111 of the Jacksonville Ordinance Code and that just cause exists to grant the variance.
4. That the findings and recommendations in the Staff Report for the Application, to the extent consistent with this **Order**, are hereby adopted and incorporated herein.
5. That the land to which this variance is granted is owned by Jax **Porter, LLC**.

NOW THEREFORE, it is **ORDERED** by the Environmental Protection Board:

The Application for Noise Variance is hereby **APPROVED, with conditions**, and a variance is hereby **GRANTED, with conditions**, to Osprey River, LLC allowing for a variance to 1) JEPB Rule 4.208 to operate with impulsive sounds that may exceed the sound levels stipulated 2) JEPB Rule 4.209A. to operate construction equipment during nighttime hours and 3) JEPB Rule 4.209C. to operate construction equipment during daytime hours in exceedance of sound levels established by rule, **subject to the following restrictions and conditions**:

1. The variance application and presentation, and the commitments therein, shall be adopted and incorporated as part of the conditions of this Variance.
2. The variance establishes a maximum noise level of 70 dBA for nighttime construction operations and 75 dBA for daytime construction operations, as measured from any residential receptor and 70 dBA for impulsive sound (daytime), as measured from any residential receptor.
3. All equipment will be fitted with proper exhaust systems and silencers as required by Rule 4.209D.
4. Nighttime construction activities will consist of only those related to concrete pours and will not commence before 1 a.m. (12:00 am setup).
5. Construction equipment operated before 7 a.m., including concrete pump trucks, concrete mixer trucks, forklifts, and loaders, etc., must have the traditional single frequency backup alarm either disabled (and use of a flagman, as allowed by OSHA), or replaced with a broadband (white noise) backup alarm.
6. Contractor will consider the use of noise blankets and/or temporary sound barriers, where feasible, to reduce noise during nighttime concrete pours.
7. Concrete mixer trucks must not air off on or near the construction site before 7 a.m.
8. Concrete mixer trucks used for concrete pours before 7 a.m. must be staged as far from residential properties as practical.
9. The contractor will attempt to route concrete trucks used for concrete pours before 7 a.m. to minimize disturbance of residences to the extent practical and shall instruct the drivers (by voice or sign) to minimize acceleration while near the site.
10. The Environmental Quality Division is granted the ability to require additional noise mitigation if conditions warrant.
11. Communications to residents of sensitive receptors to include:
 - a. Provide notification, by written or electronic means, to each residential property within 200 meters of the closest anticipated location to residences that a concrete pump truck will be situated. The notification

will be provided at least 48 hours in advance of each anticipated nighttime construction pour.

- b. Signage announcing upcoming nighttime construction activity will be displayed on site in locations visible to area residents and businesses, advising the dates and times of potential nighttime pours.
 - c. Contact information for 24-hour hotline.
12. Petitioner shall provide a monthly status report of the construction project to the Air & Odor Committee via email to epb@coj.net. The report shall include:
- a. Report should be for the previous month and received on or before the 10th day (e.g., June 10th for the month of May, July 10th for the month of June, etc.).
 - b. Number of complaints and any plan for remediation or corrective action in response to complaints.
 - c. Project progress, including substantial changes.
13. This variance shall expire on July 31, 2027.

Executed on this 14th day of July, 2025.



Thomas Deck
Chairman,
Environmental Protection Board

FORM APPROVED:



Cherry S. Pollock
Assistant General Counsel

Copies to:

Applicant/Owner:
Osprey River, LLC
c/o Contega Business Services, LLC
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Jacksonville, FL 32202

Agent:

FaverGray
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Jacksonville Beach, FL 32250