

# City of Jacksonville, Florida

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*Lenny Curry, Mayor*

City Hall at St. James  
117 W. Duval St.  
Jacksonville, FL 32202  
(904) 630-CITY  
www.coj.net

December 8, 2022

The Honorable Terrance Freeman, President  
The Honorable Kevin Carrico, LUZ Chair  
And Members of the City Council  
City Hall  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report  
Ordinance No.: 2022-829**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

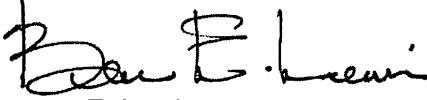
Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote:	6-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Aye
David Hacker	Absent

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

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**

**APPLICATION FOR ZONING EXCEPTION 2022-0829**

**December 8, 2022**

***Location:*** 6145 Transylvania Avenue;  
Between Blanding Boulevard and  
Wesconnett Boulevard

***Real Estate Number:*** 097524-0000

***Zoning Exception Sought:*** Pawn Shop

***Current Zoning District:*** Commercial Office (CO)

***Current Land Use Category:*** Community/General Commercial (CGC)

***Planning District:*** Southwest, District 4

***Owner:*** Eric Rubenstein  
ZKM Holdings LLC  
5211 Blanding Boulevard  
Jacksonville, Florida 32210

***Applicant/Agent:*** Angela K. Farford, Esq.  
Birchfield & Humphrey, P.A.  
320 Town Plaza Avenue, Suite 120  
Jacksonville, Florida 32081

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Zoning Exception 2022-829 (E-22-71) seeks to permit a pawn shop. The subject property is approximately 0.17± acres and is zoned Commercial Office (CO). The proposed pawn shop will be an expansion of an existing pawn shop known as Jax Jewlery & Pawn, which is located at 5211 Blanding Boulevard and has been operating for over ten years. The subject property currently contains a single-family home. The applicant is also seeking a companion conventional rezoning 2022-0828 to rezone the property from CO to CCG-1, which would permit the proposed pawn shop use by exception.

**DEFINITION**

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

***(i) Will the proposed use be consistent with the Comprehensive Plan?***

Yes. The 0.17 of an acre subject site is located at 6145 Transylvania Avenue, a local road. The site is in Planning District 4 (Southwest) and Council District 9. The site is in the Community/General Commercial (CGC) land use category and within the Urban Development Area.

CGC land use in the Urban Development Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is preferred to provide support for commercial and other uses. Principal uses in the CGC land use category in the Urban Development Area include Commercial retail sales and service establishments including auto sales, restaurants, hotels and motels, business and professional offices. Personal property storage establishments are allowed as a secondary use in the CGC land use category. The proposed exception for a pawn shop use is permitted, as it is a commercial retail sales use. The proposed use is also compatible with the following goals, policies, and objectives of the 2030 Comprehensive Plan:

**Future Land Use Element (FLUE):**

**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.

*The expansion of a pawn shop will achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses and complies with Goal 3.*

**Policy 3.2.4**  
 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

*The expansion of a pawn shop will be consistent with Policy 3.2.4.*

- (ii) *Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?*

Yes. The proposed use will be compatible with the existing contiguous uses since the proposed pawn shop is an expansion of an existing pawn shop in a commercial area. Blanding Boulevard is a commercial and residential corridor. The adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Blood Donor Station
South	CGC	PUD 1999-1099	Single Family Dwellings, Retail Stores
East	CGC	CO	Single Family Dwellings
West	CGC	CCG-1	Pawn Shop

- (iii) *Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?*

No. It is the opinion of the Planning and Development Department that the pawn shop expansion will not have a negative environmental impact on the health, safety and welfare of the community.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?*

No. In relation to surrounding commercial uses, Staff finds that the proposed use will not generate additional traffic than what is currently in the area.

- (v) *Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?*

No. The proposed use will not have a detrimental effect on the future development of contiguous properties or the general area as the area has been developed.

- (vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

No. Staff finds the proposed use will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities.

- (vii) *Will the proposed use overburden existing public services and facilities?*

No. The proposed use will not require additional services nor adversely affect existing public services and facilities because the necessary infrastructure and City improvements are already in place to handle the impacts of the proposed exception.

- (viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes. The site will be sufficiently accessible for emergency services via Blanding Boulevard and Transylvania Avenue.

- (ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

Yes. According to Section 656.1601 of the Zoning Code, exception means a “use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.” As more fully set forth in the foregoing findings and conclusions, the proposed use is consistent with the definition of a zoning exception. The establishment is located in a commercial area at a location that is suitable for this type of commercial use and will promote the commercial viability of the surrounding area.

#### **SUPPLEMENTARY INFORMATION**

Upon receipt of the photograph supplied by the agent of the subject property on November 8, 2022, the Planning & Development Department Staff observed that the required Notice of Public Hearing sign was posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception 2022-0829 be **APPROVED**.



Aerial View of Subject Property





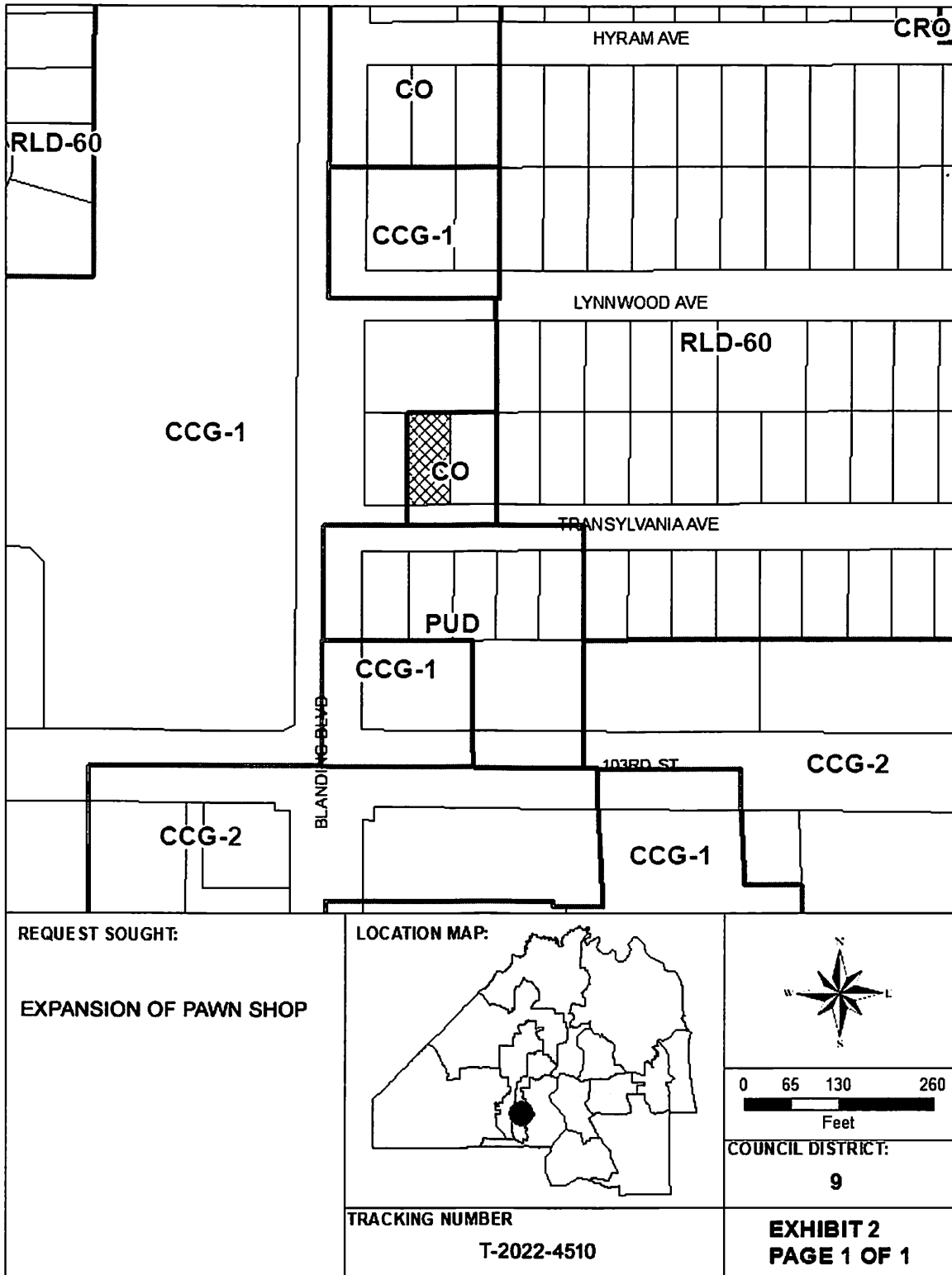
*Planning & Development Dept., 11/30/22*

**View of Subject Property**

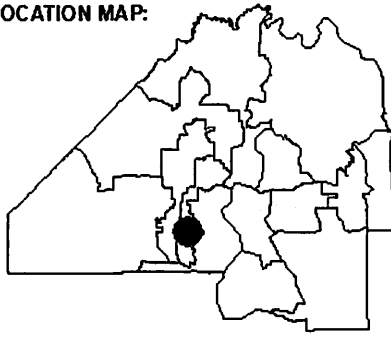



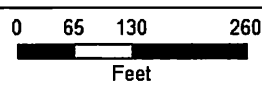
*Planning & Development Dept., 11/30/22*

**Existing pawn shop located at 5211 Blanding Boulevard**



**REQUEST SOUGHT:**  
  
**EXPANSION OF PAWN SHOP**

**LOCATION MAP:**  
  
**TRACKING NUMBER**  
 T-2022-4510

  
  
**COUNCIL DISTRICT:**  
 9  
**EXHIBIT 2**  
**PAGE 1 OF 1**

# Application For Zoning Exception

## Planning and Development Department Info

**Application #** E-22-71    **Staff Sign-Off/Date**    BMF / 10/14/2022  
**Filing Date**    10/20/2022    **Number of Signs to Post**    1  
**Current Land Use Category**    CGC  
**Exception Sought**    SEEKING TO REZONE THIS PARCEL TO CCG-1 TO ALLOW THE EXPANSION OF THE OWNERS RETAIL STORE LOCATED AT 5211 BLANDING BOULEVARD. THE RETAIL STORE IS A PAWN SHOP.  
**Applicable Section of Ordinance Code**    656.313  
**Notice of Violation(s)**    N/A  
**Hearing Date**    12/08/2022  
**Neighborhood Association**    N/A  
**Overlay**    N/A

## Application Info

**Tracking #**    4510    **Application Status**    PAID  
**Date Started**    09/07/2022    **Date Submitted**    09/20/2022

## General Information On Applicant

**Last Name**    **First Name**    **Middle Name**  
FARFORD    ANGELA

**Company Name**  
BIRCHFIELD AND HUMPHREY

**Mailing Address**  
320 TOWN PLAZA AVENUE, SUITE 120

**City**    **State**    **Zip Code**  
PONTEVEDRA    FL    32081

**Phone**    **Fax**    **Email**  
9043966625    904369    AFARFORD@BIRCHFIELDHUMPHREY.COM

## General Information On Owner(s)

**Last Name**    **First Name**    **Middle Name**  
RUBENSTEIN    ERIC

**Company/Trust Name**  
ZKM HOLDINGS LLC

**Mailing Address**  
5211 BLANDING BOULEVARD

**City**    **State**    **Zip Code**  
JACKSONVILLE    FL    32210

**Phone**    **Fax**    **Email**  
9043337840       ERICJAXXX@GMAIL.COM

## Property Information

**Previous Zoning Application Filed?**  
**If Yes, State Application No(s)**  
4509

Map	RE#	Council District	Planning District	Current Zoning District(s)
Map	097524 0000	9	4	CO

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

**Total Land Area (Nearest 1/100th of an Acre) 0.17**

**Current Property Use**

SINGLE FAMILY RESIDENTIAL

**Exception Sought**

SEEKING TO REZONE THIS PARCEL TO CCG-1 TO ALLOW THE EXPANSION OF THE OWNERS RETAIL STORE LOCATED AT 5211 BLANDING BOULEVARD. THE RETAIL STORE IS A PAWN SHOP.

**In Whose Name Will The Exception Be Granted**

ZKM HOLDINGS, LLC

**Location Of Property**

**General Location**

BLANDING BOULEVARD

House #	Street Name, Type and Direction	Zip Code
6145	TRANSLYVANIA AVE	32210

**Between Streets**

BLANDING BOULEVARD and WESCONNETT BOULEVARD

**Utility Services Provider**

City Water/City Sewer	Well/Septic	City Water/Septic	City Sewer/Well
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**Required Attachments**

The following items must be attached to the application.

Survey

Site Plan

Property Ownership Affidavit (Exhibit A)

Agent Authorization if application is made by any person other than the property owner (Exhibit B)

Legal Description - may be written as either lot and block, or metes and bounds (Exhibit 1)

Proof Of Property Ownership - may be print-out of property appraiser record card if individual owner, <https://paopropertysearch.coj.net/Basic/Search.aspx>, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <https://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

**Supplemental Information**

Letter From DCFS, Department of Children and Family Services - day care uses only

Advisory Opinion Letter From EQD, Environmental Quality Division

**Criteria**

Section 656.101(i), Ordinance Code, defines an exception as "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare."

Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:

(i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

THE PROPERTY IS LOCATED WITHIN THE CGC LAND USE DESIGNATION IN THE FUTURE LAND USE MAP, AND IS THEREFORE CONSISTENT WITH THE COMPREHENSIVE PLAN.

(ii) Will be compatible with the existing contiguous uses or zoning and compatible with the

general character of the area considering population, density, design, scale, and orientation of the structures to the area, property values and existing similar uses.

THE SURROUNDING, EXISTING CONTIGUOUS AREA USES AND ZONING ARE COMMERCIAL, ALLOWING FOR A VARIETY OF COMMERCIAL RETAIL USES. THE PROPOSED USE IS COMPATIBLE. THE PROPOSED USE WOULD BE AN ADDITION TO AN EXISTING PAWN RETAIL SHOP.

(iii) Will not have an environmental impact inconsistent with the health, safety and welfare of the community.

THE PROPOSED USE WILL NOT HAVE AN ENVIRONMENTAL IMPACT INCONSISTENT WITH THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

(iv) Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community.

THE PROPOSED USE WILL NOT HAVE A DETRIMENTAL EFFECT ON VEHICULAR OR PEDESTRIAN TRAFFIC OR PARKING CONDITIONS, AND WILL NOT RESULT IN THE GENERATION OR CREATION OF TRAFFIC INCONSISTENT WITH HEALTH, SAFETY AND WELFARE OF THE COMMUNITY. THE PROPOSED USE WOULD EXPAND OFF-STREET PARKING. ANY INCREASE OF TRAFFIC, IF ANY, WOULD BE DE MINIMUS.

(v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto.

THE PROPOSED USE IS AN ALLOWABLE USE UNDER THE COMPREHENSIVE PLAN, AND IS THEREFORE, COMPATIBLE WITH THE FUTURE DEVELOPMENT OF CONTIGUOUS PROPERTIES. THE AREA IS BUILT-OUT AND THE CONTIGUOUS PROPERTIES ARE LARGELY COMMERCIAL OR OFFICE.

(vi) Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities taking into account existing uses or zoning in the vicinity.

THE PROPOSED USE WILL NOT RESULT IN THE CREATION OF OBJECTIONABLE OR EXCESSIVE NOISE, LIGHTS, VIBRATIONS, FUMES, ODORS, DUST OR PHYSICAL ACTIVITIES TAKING INTO ACCOUNT EXISTING USES OR ZONING IN THE VICINITY.

(vii) Will not overburden existing public services and facilities.

THE PROPOSED USE WILL NOT OVERBURDEN EXISTING PUBLIC SERVICES AND FACILITIES. THERE IS AN EXISTING SINGLE-FAMILY HOME ON THE PROPERTY SUBJECT TO THE APPLICATION. THERE IS NOT AN EXPECTED INCREASE IN THE USE OF THE PLUMBING AND ELECTRICAL SERVICES.

(viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services.

THE PROPOSED USE WILL EXPAND PARKING ON THE PROPERTY, WHICH WILL ALLOW THE PROPERTY TO BE SUFFICIENTLY ACCESSIBLE TO FIRE, POLICE, RESCUE AND OTHER SERVICES.

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

THE PROPOSED USE WOULD BE CONSISTENT WITH THE DEFINITION OF AN EXCEPTION. THE APPLICANT IS APPLYING TO REZONE THE PROPERTY TO CCG-1, TO ALLOW FOR THE EXPANSION OF THE RETAIL SPACE. THE APPLICANT IS NOT SEEKING A USE BEYOND THE EXPANSION OF THE EXISTING PAWN RETAIL BUSINESS ON 5211 BLANDING BOULEVARD. THE APPLICANT OPERATES UNDER A ZONING EXCEPTION UNDER SECTION 656.313, A.IV(C)(8), WHICH LIMITS INVENTORY TO ITEMS PERMITTED IN THE CCG-1 ZONING DISTRICT AND PROVIDED THAT NO OUTSIDE STORAGE OR DISPLAY OF PRODUCTS IS ALLOWED. THE APPLICANT WOULD CONTINUE TO COMPLY WITH THE CITY'S LAND DEVELOPMENT CODE.

### **Public Hearings**

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

### **Application Certification**

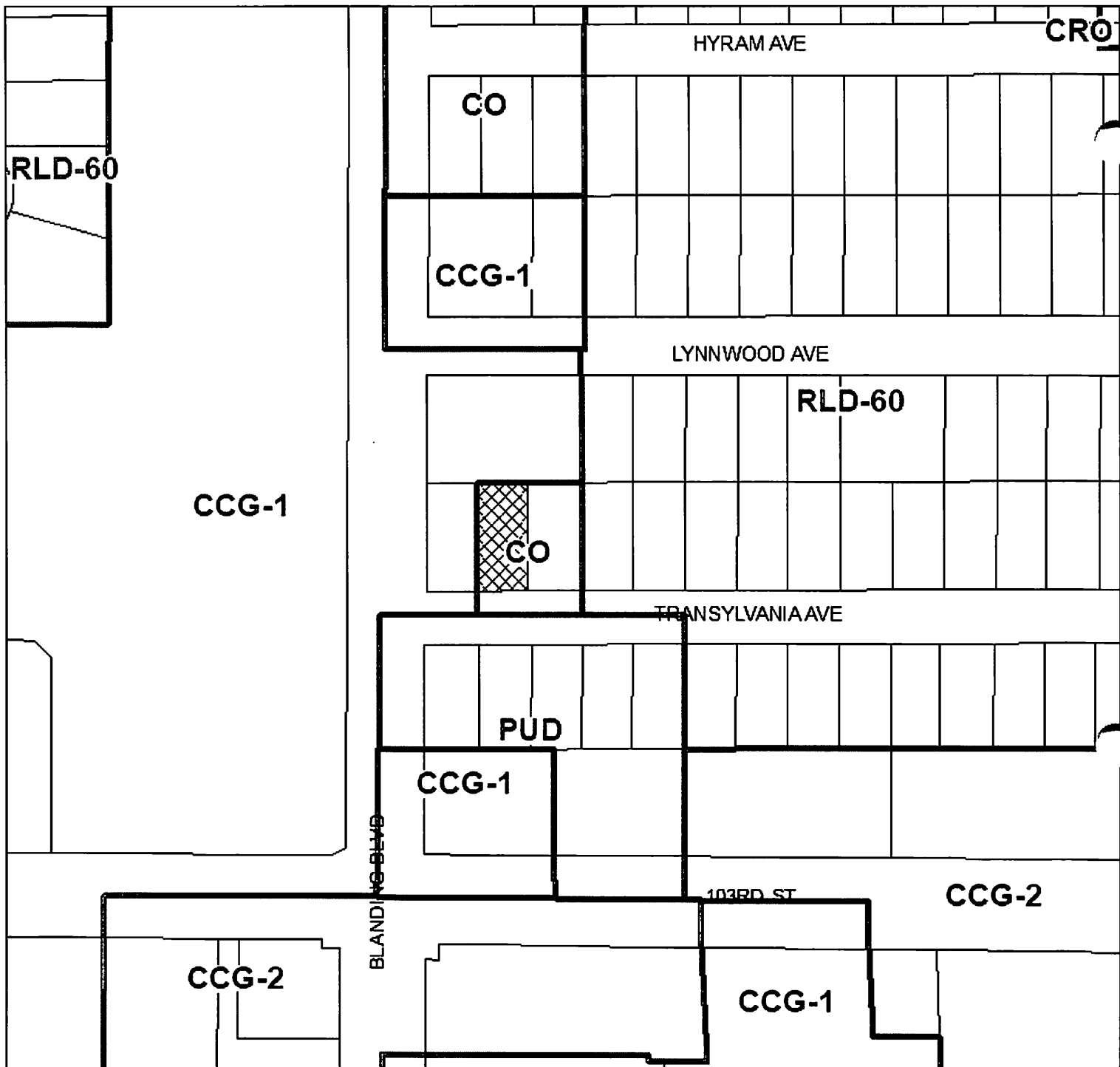
I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Agreed to and submitted

**Filing Fee Information**

<b>1) Non-residential District Base Fee</b>	\$1,173.00
<b>2) Plus Notification Costs Per Addressee</b>	
<b>28 Notifications @ \$7.00/each:</b>	\$196.00
<b>3) Total Application Cost:</b>	\$1,369.00

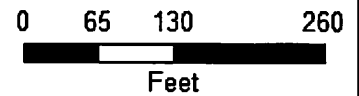
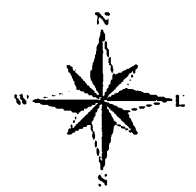
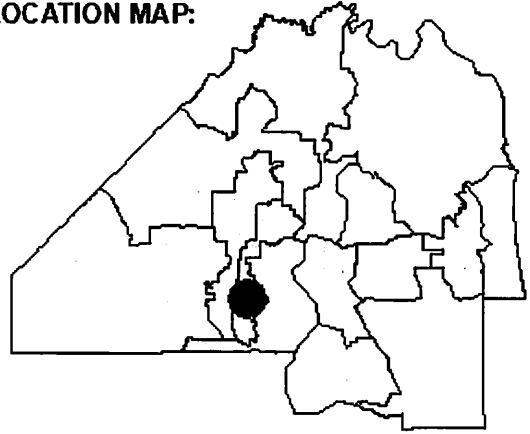
**\* Applications filed to correct existing zoning violations are subject to a double fee.**  
**\*\* The fee for the advertisement is in addition to the above fees. The newspaper will send the invoice directly to the applicant.**



**REQUEST SOUGHT:**

**EXPANSION OF PAWN SHOP**

**LOCATION MAP:**



**COUNCIL DISTRICT:**  
**9**

**TRACKING NUMBER**  
**T-2022-4510**

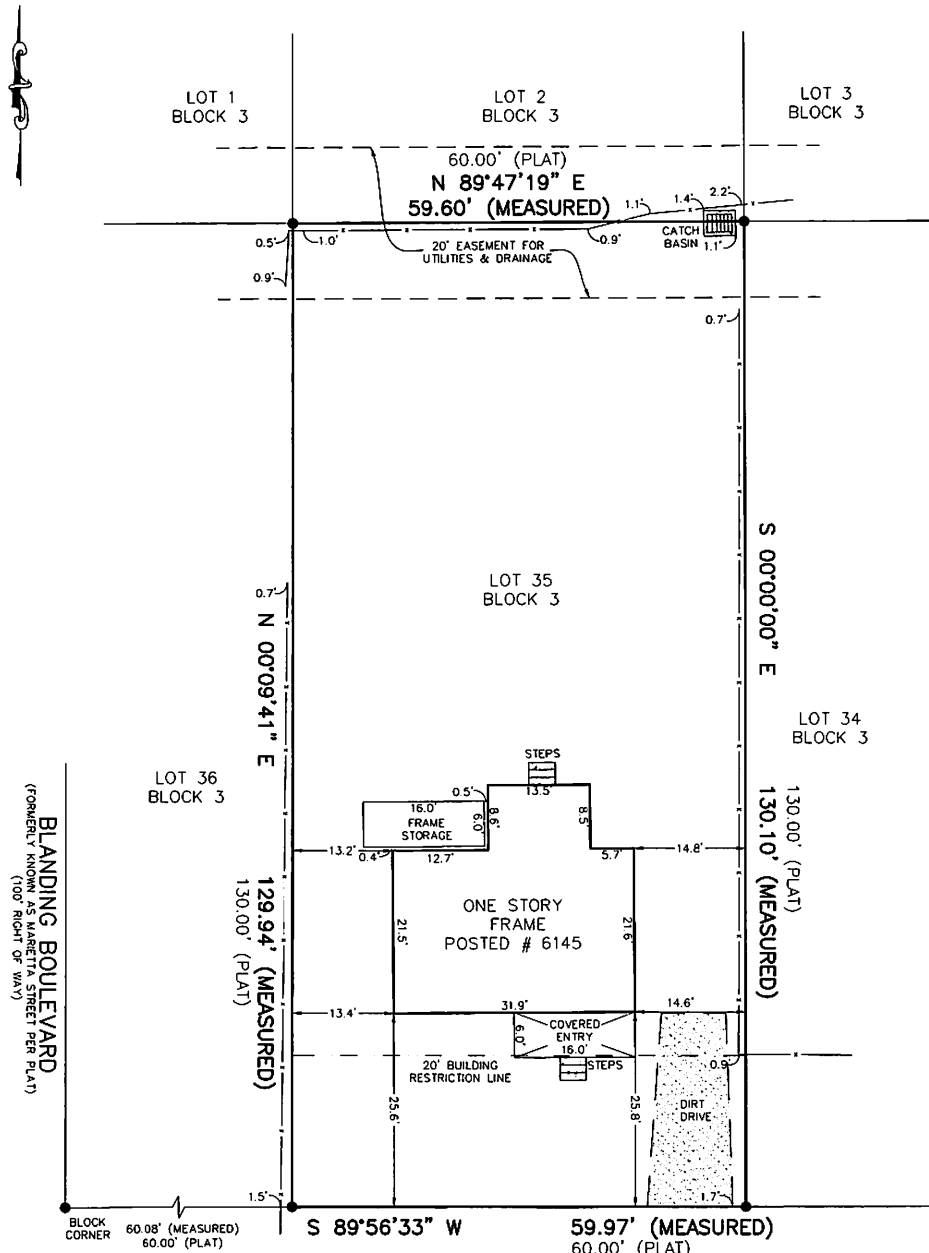
**EXHIBIT 2**  
**PAGE 1 OF 1**



**LEGAL DESCRIPTION**  
September 28, 2022  
Exhibit 1

Lot 35, Block 3, Lynnwood, according to the Plat thereof as recorded in Plat Book 18, Page 4, of the public records of Duval County, Florida.

**MAP SHOWING BOUNDARY SURVEY OF**  
 LOT 35, BLOCK 3, LYNNWOOD, AS RECORDED IN PLAT BOOK 18,  
 PAGE 4, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.  
 CERTIFIED TO:



**LEGEND:**

- x - = FENCE
- = SET 1/2" REBAR STAMPED PSM#6146
- = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
- = 4"x4" CONCRETE MONUMENT
- A/C = AIR CONDITIONER
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PRC = POINT OF REVERSE CURVATURE
- PCC = POINT OF COMPOUND CURVATURE

**NOTES:**

- BEARINGS ARE BASED ON THE ASSUMED BEARING OF S 00°00'00" E ALONG THE EASTERLY BOUNDARY LINE OF SUBJECT PARCEL.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X" AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED NOVEMBER 2, 2018, COMMUNITY NUMBER 120077, PANEL 0526 J.
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT OR OTHER DOCUMENTS PROVIDED BY CLIENT, IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

REVISIONS	
DATE	DESCRIPTION

JOB # 44247      DATE OF FIELD SURVEY: 09-12-22      SCALE: 1" = 20'



**Ray Thompson SURVEYING, Inc.**  
*Going the DISTANCE for You*  
 1825 University Boulevard West  
 Jacksonville, Florida 32217  
 (Phone) 904-448-5125  
 (Fax) 904-448-5178

**CERTIFICATE**  
 I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES.

*Raymond Thompson*  
 STATE OF FLORIDA  
 REGISTERED PROFESSIONAL SURVEYOR # 6146  
 BUSINESS No. 7469

