



February 8, 2011

To the Honorable Council
City of Norfolk, Virginia

Re: Special Exception to operate an
Automobile Title Loan Establishment:
6400 East Virginia Beach Boulevard –
Titlemax

Ladies and Gentlemen:

- I. **Recommended Action:** Approval, considering the projects compliance with ordinance standards, consistency with approved plans, and considering the application of accepted standards for evaluating concentration of uses that potentially pose problems for a neighborhood.

II. **Overview**

Titlemax is proposing to open an automobile title loan establishment at 6400 East Virginia Beach Boulevard. As part of their request, they are committing to make a number of site improvements.

City Council originally considered this item on January 25, 2011, but requested it be continued to February 8, and that staff provide a more complete presentation on the item at that meeting.

III. **Analysis**

A. **General**

Titlemax is proposing to operate an automobile title loan establishment at 6400 East Virginia Beach Boulevard. They are proposing to operate from 9:00 a.m. until 7:00 p.m., Monday through Friday, and from 10:00 a.m. until 4:00 p.m. on Saturdays; and be closed on Sunday.

If approved, the applicant will be required to make a number of site improvements in order to bring the entire site into greater compliance with ordinance requirements. These include removing a significant amount of impervious surface and providing landscaping, including street trees where possible considering the

location of overhead utilities along both East Virginia Beach Boulevard and George Street.

Automobile title loan establishments require a special exception, but the zoning ordinance provides no guidance regarding any locational issues that should be considered as part of the approval process. The major land use concern for these establishments is concentration, since the location of a number of such establishments in proximity to one another may be an indication of a neighborhood in trouble. To determine what would constitute a concentration, staff applied the locational criteria established by the City for adult uses, looking at the number of such uses within a 1,000 feet radius, and assuming that more than three similar uses (check cashing and auto title loan) would suggest an over concentration. Applying that standard at this location suggests that there is no concentration; there are no similar businesses within 1,000 feet of the site.

B. Fiscal
N/A

C. Environmental
The removal of the impervious surface, in combination with the planting of trees on the site, should have a beneficial environmental impact. The reduction in impervious surface will reduce stormwater discharges and the landscaping being installed will provide some passive water quality treatment. Further, the addition of trees around the parking will provide shade, reducing the reflected energy from the parking lot itself.

D. Community Outreach/Notification
The Planning Commission held the required public hearing on this item on December 16, 2010.

The applicant attended and spoke in support. No one spoke in opposition. The Hollywood Homes/Maple Hall Civic League provided a letter of support for the application.

Public notification of this agenda item was conducted through the City of Norfolk's agenda notification process.

IV. Board/Commission Action

By a vote of **4 to 2**, the Planning Commission recommended that the request for a Special Exception to authorize operation of a check cashing establishment be **approved**, subject to the conditions shown below. The majority of the Planning Commission believed that, with the improvements

reflected on the plans, the new use would improve the site. The minority were opposed to an auto title loan facility.

- (a) The hours of operation for the facility shall be from 9:00 a.m. until 7:00 p.m. Monday through Friday, from 10:00 a.m. until 4:00 p.m. on Saturday, and closed on Sunday.
- (b) The existing driveway entrance nearest to the intersection of East Virginia Beach Boulevard and George Street shall be closed.
- (c) No business license shall be issued for any business on the property until a landscaping plan addressing that portion of the property fronting East Virginia Beach Boulevard and George Street in a manner consistent with the requirements of Chapter 17 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Landscape Plantings and Buffers," has been approved by the Department of Planning and installed.
- (d) No business license shall be issued for any business on the property until the nonconforming freestanding sign currently located on the property is removed.
- (e) The site shall only be used as an office.
- (f) No car repair or car sales are permitted on the site.
- (g) No vehicles shall be stored overnight on the property.

V. Conclusion

The attached ordinance grants a special exception to Titlemax for the operation of an automobile title loan establishment at 6400 East Virginia Beach Boulevard. Approval is recommended, based on compliance with technical ordinance requirements, consistency with approved plans, and considering the application of accepted standards for determining concentration of uses that potentially pose problems for a neighborhood.

Respectfully submitted,



Marcus D. Jones
City Manager

Coordination/Outreach

This letter has been coordinated with Planning and Community Development; Public Works; Utilities; Recreation, Parks and Open Space; and the City Attorney's Office.

12/13/10 ts

Form and Correctness Approval: Contents Approved: By 
Office of the City AttorneyBy _____
DEPT. _____

NORFOLK, VIRGINIA

ORDINANCE No.

R-1

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTO TITLE LOAN ESTABLISHMENT ON PROPERTY LOCATED AT 6400 EAST VIRGINIA BEACH BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an auto title loan establishment on property located at 6400 East Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 150 feet, more or less, along the northern line of East Virginia Beach Boulevard and 150 feet more or less, along the eastern line of George Street; premises numbered 6400 East Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be from 9:00 a.m. until 7:00 p.m. Monday through Friday, from 10:00 a.m. until 4:00 p.m. on Saturday, and closed on Sunday.
- (b) The existing driveway entrance nearest to the intersection of East Virginia Beach Boulevard and George Street shall be closed.
- (c) No business license shall be issued for any business on the property until a landscaping plan addressing that portion of the property fronting East Virginia Beach Boulevard and George Street in a manner consistent with the requirements of Chapter 17 of the Zoning Ordinance of the City of Norfolk, 1992 (as

amended), entitled "Landscape Plantings and Buffers," has been approved by the Department of Planning and installed.

- (d) No business license shall be issued for any business on the property until the nonconforming freestanding sign currently located on the property is removed.
- (e) The site shall only be used as an office.
- (f) No car repair or car sales are permitted on the site.
- (g) No vehicles shall be stored overnight on the property.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be

constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the

City of Norfolk on the subject property have
been paid.

Section 4:- That this ordinance shall be in effect
from the date of its adoption.



Inter Department Correspondence Sheet

TO: City Manager

FROM: City Planning Commission

COPIES TO: _____

SUBJECT: Application for a Special Exception (CONT. 2 P.H. 16 December 2010)

Nature of the Request	Special Exception	To operate an Auto Title Loan Establishment
Applicant	Titlemax by Clayton Collins	
Address	6400 East Virginia Beach Boulevard	
Property Owner	Chang Wong, LLC	
Site Characteristics	Site Area	2,300 sq. ft. existing building
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Hollywood Homes/Maple Hall
Area Characteristics	North	C-2 district developed with an Automobile Sales and Service Establishment R-4, R-6, R-8 (One-Family) districts developed with single-family homes in the Hollywood Homes/Maple Hall neighborhood
	East	C-2 district developed with several Automobile Sales and Service Establishments and Retail Sales and Service Establishments R-8 (One-Family) district developed with single-family homes in the Hollywood Homes/Maple Hall neighborhood C-4 (Large Retail) district developed with Automobile Sales and Service Establishments R-10 (Townhouse) district

		developed with townhouses in the Newtown neighborhood I-1 (Light Industrial) district developed with automobile related establishments
	South	C-2 developed with offices C-4 (Large Retail) district developed with Automobile Sales and Service Establishments I-1 (Light Industrial) district developed with automobile related establishments OSP (Open Space Preservation) district developed with a cemetery IN-2 (Campus Institutional) district developed with a hospital and other medical related uses
	West	R-4 and R-5, R-6 and R-8(One-Family) districts developed with single-family homes in the Hollywood Homes/Maple Hall neighborhood OSP (Open Space Preservation) district developed with a cemetery C-2 developed with offices, medical offices and several Automobile Sales and Service Establishments and Retail Sales and Service Establishments IN-2 (Campus Institutional) district developed with a hospital and other medical related uses

A. Summary of Request

Titlemax is proposing to operate an Auto Title Loan Establishment providing loans to customers who use their cars as collateral. The proposed hours of operation for the establishment are from 9:00 a.m. to 7:00 p.m. Monday through Friday, from 10:00 a.m. to 4:00 p.m. on Saturday, and closed on Sunday.

B. Special Exception

A Special Exception acknowledges that while a particular use may be generally permitted in a zoning district, it is of such a character that additional scrutiny is required of the particular use at the specific site proposed to ensure that it is appropriate at the location proposed and, if so, under what conditions.

a. Plan Consistency

The *General Plan of Norfolk* designates this site as Commercial/Office. Therefore, the proposed use, an Auto Title Loan Establishment, is consistent with the *General Plan*.

b. Impact on the Neighborhood

The proposed Auto Title Loan Establishment will be located on a portion of East Virginia Beach Boulevard, a commercial corridor with varying commercial uses surrounding the site including multiple automobile sales and service establishments. The proposed improvements to the site would be beneficial to the neighborhood and the proposed use has limited hours would not negatively impact the neighborhood.

A letter of support has been received from the Hollywood Homes/Maple Hall Civic League.

Applying the standards used by the City for adult uses, staff identified the number of similar uses within 1,000 feet of the subject site. Two other such uses, a Check Cashing Establishment and an Automobile Title Loan Establishment, were identified. Considering there are no similar uses within 1,000 feet, and the limited hours of operation, the proposed use operating within the proposed conditions below will not significantly impact the surrounding neighborhood.

c. Transportation Impacts

The site is currently occupied by a specialty retail establishment which generates approximately 97 trips daily. TitleMax is projected to generate 360 trips a day resulting in approximately 263 new trips per day.

The site is located near a severely congested segment of Virginia Beach Boulevard and frequent bus service along Virginia Beach Boulevard.

d. Impact on the Environment

The applicant is proposing to improve the lot by adding landscaping and buffers along East Virginia Beach Boulevard and George Street. This will improve the environmental conditions on the site by reducing the extent of impervious surface.

e. Zoning Impact

The site is located on the northeast corner of East Virginia Beach Boulevard and George Street and is accessed by two driveways from East Virginia Beach Boulevard and one from George Street. To comply with the Landscaping and Buffers Chapter of the *City of Norfolk Zoning Ordinance*, 1992 (as amended), the applicant is proposing to close the driveway closest to the intersection of East Virginia Beach Boulevard and George Street, and to provide landscaping along both street frontages in accordance with the *Zoning Ordinance*.

f. Payment of Taxes

The owner of the property is current on all real estate taxes.

D. Recommendations

1. Staff

Staff recommends that this application for an Auto Title Loan Establishment be approved, subject to the conditions listed below:

- a. The hours of operation for the Auto Title Loan Establishment are from 9:00 a.m. to 7:00 p.m. Monday through Friday, from 10:00 a.m. to 4:00 p.m. on Saturday, and closed on Sunday.
- b. The existing driveway entrance nearest to the corner of East Virginia Beach Boulevard and George Street shall be closed.
- c. No business license shall be issued for any business on the property until a landscaping plan addressing that portion of the property fronting East Virginia Beach Boulevard and George Street in a manner consistent with the requirements of Chapter 17 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), entitled "Landscape Plantings and Buffers," has been approved by the Department of Planning and installed
- d. No business license shall be issued for any business on the property until the nonconforming freestanding sign currently located on the property is removed.
- e. The site shall only be used as an office
- f. No car repair or car sales are permitted on the site
- g. No vehicles shall be store overnight on the property.

2. Planning Commission

By a 4 to 2 vote the Planning Commission recommended approval of the request subject to the conditions above.

Proponents:

Clay Collins
15 Bull Street, Suite 200
Savannah, GA 31401

E. Andrew Keeney
150 W. Main Street
Norfolk, VA 23510

Opponents:

None

Attachments

Application
Current Zoning Map

