

STAFF EVALUATION

To: Planning Commission

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Reviewed By: Mike Hayes, AICP 728-5244
Bonnie Brown, Sr. Asst. City Attorney

Case No.: Use Permit No. 17-00006

Date: June 9, 2017

General Information

Applicant Jay Dunbar, Superior Pawn Company I LLC

Property Owner JDD II LLC

Location 100 W. Mercury Boulevard [LRSN 8005717]



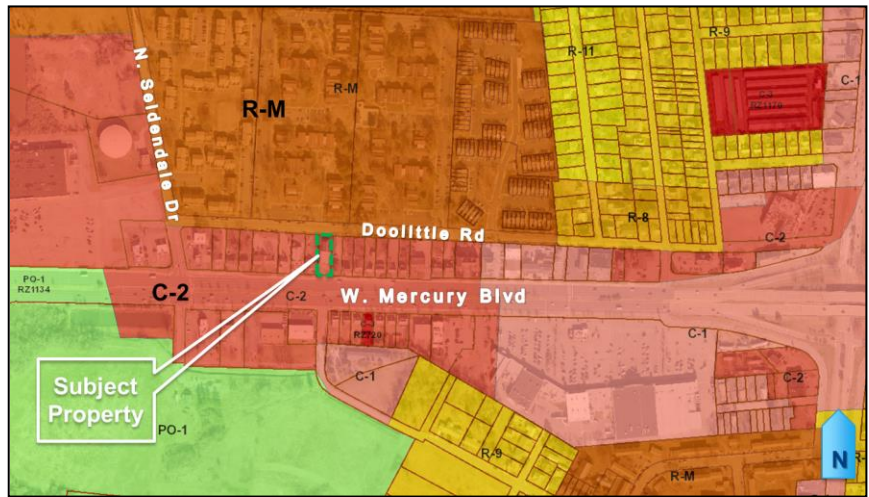
Requested Use Pawn shop

Description of Proposal The applicant is proposing to operate a pawn shop within an existing building located at 100 W. Mercury Boulevard. The applicant currently has a pawn shop business operation located at 104 W. Mercury Boulevard and is planning to relocate to 100 W. Mercury Boulevard, in an effort to expand the inventory of various types of pawned items.

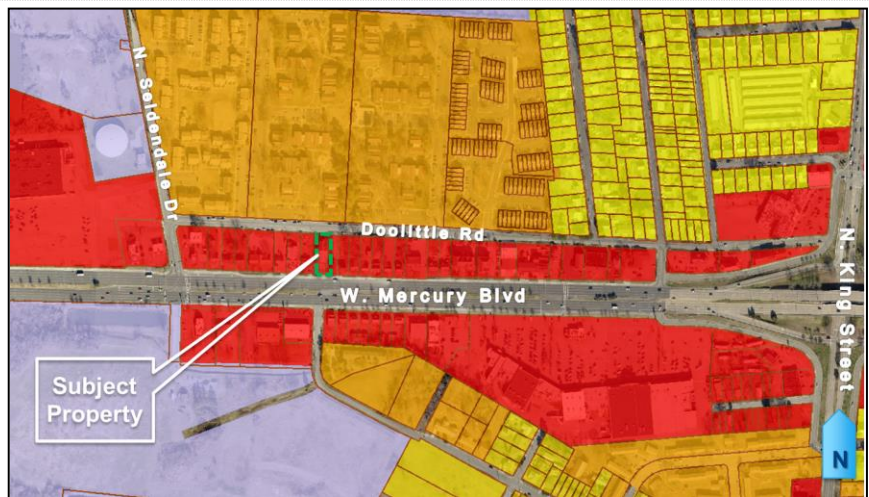
Existing Land Use Vacant building

Zoning The subject site is zoned C-2 (Limited Commercial) District. It is also within the O-FZ (X500) (Flood Zone Overlay) which has no significant environmental implications as it relates to the proposed business.

Surrounding Land Use and Zoning
North: – Doolittle Road and R-M (Multiple Residence) District, apartments
South: Mercury Boulevard, C-2 (Limited Commercial) District, various retail and office uses
East: C-2 (Limited Commercial) District, various retail and office uses
West: C-2 (Limited Commercial) District, various retail and office uses



Public Policy



The Hampton Community Plan (2006, as amended) includes economic development goals that are relevant to this proposal. The Community Plan recommends commercial uses for the subject property and most of the nearby properties.

Policies related to this request are listed below:

LU-CD Policy 11: Promote high quality site design and site planning that is compatible with surrounding development. [p. LU-17]

ED-5: Nurture small and start-up businesses. [p. ED-23]

The second policy document that offers guidance in review of this application is the North King Street Master Plan (2007). The Plan recommends commercial uses for the subject property.

Land Use History

In early 2017, the applicant submitted floor plans to the Community Development Department depicting renovation details for the subject property and was issued a permit in February 2017 to begin construction for the interior of the building. On April 28, 2017, the applicant went to obtain a business license for the pawn shop at 100 W. Mercury Boulevard and was informed that an approved Use Permit was required for

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| | the pawnshop operation. The building permit should not have been issued prior to the applicant obtaining an approved use permit and this was an error by the Community Development Department. |
| <i>Applicable Regulations</i> | C-2 allows pawn shops subject to securing an approved Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing impacts on the adjoining properties. |
| <i>Traffic/Parking</i> | There are no foreseen negative impacts to traffic. Per the Zoning Ordinance, the minimum automobile parking requirement for retail is 1 space per 250 SF of sales area. Based on the floor plans, the sales area is 1,164± square feet, requiring a minimum of five parking spaces. The business will provide at least six parking spaces, thus meeting the requirement. |
| <i>Public Safety</i> | A review of the application was completed by the Hampton Police Division (HPD). There are no concerns related to public safety. The applicant is required to obtain a Precious Metals Permit from HPD. |
| <i>Community Meeting</i> | A community meeting occurred on Tuesday, June 6, 2017 at the Y.H. Thomas Community Center at 6PM and no members from the public attended the meeting. |

Analysis

The Use Permit Application No. 17-0006 is a request by Jay Dunbar, a manager of Superior Pawn I LLC, to permit a pawn shop at 100 W. Mercury Boulevard[LRSN: 8005717]. The subject property contains .26± acres, with an existing building that contains 3,748± square feet. The current business operation is located at 104 W. Mercury Boulevard, and the applicant is proposing to renovate the building at 100 W. Mercury Boulevard and relocate the current business operation to the subject property.

The business operation would provide the opportunity for merchants to exchange property/assets in order to obtain a monetary loan. Additionally, the business will sell items at retail price that are not redeemed by the client. The requested operating hours are from Monday through Saturday 9AM-6PM and Sunday 12PM-5PM; however, to remain consistent with previously approved use permit applications, staff recommends permitting hours of operation from Sunday through Saturday 8:00AM to 8:00PM.

The subject property is currently zoned C-2 (Limited Commercial) District. In the Hampton Zoning Ordinance, C-2 is a commercial zoning classification that encompasses: community and regional scale retail uses, multifamily residential uses, and office uses. C-2 allows for pawn shop business operations, subject to approval of a Use Permit. The property also falls within the O-FZ (X500) (Flood Zone Overlay), which has no significant environmental implications as it relates to the proposed business.

There are two policy documents that provide guidance in review of this application, the Hampton Community Plan (2006, as amended), and the North King Street Master Plan (2007). The Hampton Community Plan recommends commercial land use for this site and most of the properties lining W. Mercury Boulevard. The Community Plan recommends promoting high

quality site design and site planning that is compatible with surrounding development and nurturing small and start-up businesses.

The North King Street Master Plan recommends commercial uses for the subject property. It also calls for the redevelopment of the row of commercial uses fronting Mercury Boulevard to enhance this major corridor that serves as one of the gateways to this prominent master plan area. Overtime, the plan recommends grouping the commercial uses together to consolidate vehicular access points and decrease the large amount of curb cuts. This will provide a safer pedestrian environment and more efficient use of land. While the proposed use of the property does not move the more visionary elements of the Master Plan forward, the use is commercial in nature, and the applicant does propose making improvements to the commercial space.

Should the application be approved, staff has identified several conditions based on the location and operational characteristics of the proposed use. A condition permitting the hours of operation from Sunday to Saturday 8AM-8PM is recommended to be attached to this use permit application. Another condition limits the proposed use to 100 W. Mercury Boulevard. If approved, it is important to note that if the business operation changes and a pawn shop operator occupies the subject property, the Use Permit remains valid so long as the use does not lapse for longer than two years. Other recommended conditions address: the requirement of obtaining all applicable licenses and permits, a revocation clause for failure to comply with any of the conditions, and other boiler plate conditions typically attached to a use permit for a pawn shop.

A copy of the conditions has been provided to the applicant and his agent. A request from the applicant was for the city to waive Condition #3 that states, "[t]he pawn shop operation shall be conducted wholly within an enclosed building. There shall be no outdoor display or sales of merchandise." The purpose for the request is so that large merchandise that cannot be stored within the building, such as: vehicles, generators, and the like can be placed outside until the items are sold. All previously approved use permits for pawn shops included Condition #3 and did not permit the outdoor display or sales of merchandise. Furthermore, in the C-2 zoning district, used car sales are permitted only as an accessory use to new vehicle sales. In an effort to remain consistent with previously approved pawn shops, and since used vehicle sales are not permitted in C-2, and there being no positive land use reasoning or public benefit to permitting outdoor sales and displays at this particular location, staff continues to recommend the inclusion of condition #3.

The proposed use permit, with the recommended conditions attached, is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and other policy documents.

Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 17-00006 with 6 conditions.

Use Permit Application No. 17-00006

Pawn Shop

Superior Pawn | 100 W. Mercury Boulevard, Hampton, VA 23669 [LRSN 8005717]

1. Issuance of Permit

The Use Permit applies only to the location at 100 W. Mercury Boulevard [LRSN 8005717] outlined in yellow and attached hereto as Exhibit A and is not transferable to another location.

2. Hours of Operation

The hours of operation for the pawn shop shall be limited to the following:

- Sunday - Saturday 8:00AM to 8:00PM

3. Operation

The pawn shop operation shall be conducted wholly within an enclosed building. There shall be no outdoor display or sales of merchandise.

4. Licensing & Compliance with Applicable Laws

Compliance with all restrictions or requirements imposed by the Code of Virginia (Title 54.1 Professions and Occupations, Chapter 40), City of Hampton Code of Ordinances (Chapter 27), and all other applicable regulations are required. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

5. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

6. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

(1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;

(2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or

(3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

EXHIBIT A

