



January 25, 2011

To the Honorable Council
City of Norfolk, Virginia

Re: **Special Exception to operate a
Check Cashing Establishment:**
1301 East Little Creek Road, Suite 7
– Quick Money Solutions

Ladies and Gentlemen:

I. **Recommended Action:** Approval is at the will of Council

II. **Overview**

Quick Money Solutions is looking to establish a check cashing establishment at 1301 East Little Creek Road, Suite 7. This location is in an existing strip shopping center.

The attached ordinance approves the request, should it be the will of Council. However, staff does not recommend the approval of the requested special exception, considering the number of similar establishments already in place in the area.

III. **Analysis**

A. **General**

Quick Money Solutions is proposing to operate a check cashing establishment in an existing strip shopping center. They are proposing to operate from 10:00 a.m. until 7:00 p.m., Monday through Friday, from 8:30 a.m. until 5:00 p.m. on Saturdays, and from 10:00 a.m. until 2:00 p.m. on Sundays.

Check cashing 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 foot 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 a concentration in this vicinity; this would be the third similar use within 1,000 feet of the site, with a number of additional establishments just outside that radius.

B. Fiscal
N/A

C. Environmental
N/A

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

The applicant attended the public hearing and spoke in support. No one attended in opposition, but the Larrymore Lawns and South Bayview Civic Leagues, as well as the Ward 5 Partnership submitted letters of opposition to the request because of the concentration of these types of uses in the area.

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 **6 to 0**, the Planning Commission recommended that the request for a Special Exception to authorize operation of a check cashing establishment be **denied**, based on the number of similar establishments in the area. Should, however, City Council approve the request, the following condition should be applied:

(a) The hours of operation for the facility shall be from 10:00 a.m. until 7:00 p.m. Monday through Friday, from 8:30 a.m. until 5:00 p.m. on Saturday, and from 10:00 a.m. until 2:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.

V. Conclusion

Should it be the will of Council, the attached ordinance grants a special exception to Quick Money Solutions for the operation of a check cashing establishment at 1301 East Little Creek Road, Suite 7; however, staff does not recommend the approval of the ordinance in consideration of the number of similar establishments in the immediate area.

Respectfully submitted,



Stanley Stein
Interim 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 *Adams*
Office of the City Attorney

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A CHECK CASHING ESTABLISHMENT ON PROPERTY LOCATED AT 1301 EAST LITTLE CREEK ROAD, SUITE #7.

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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 a Check Cashing Establishment on property located at 1301 East Little Creek Road, suite #7. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 102 feet, more or less, along the southern line of East Little Creek Road, beginning 127 feet, more or less, from the eastern line of North Military Highway and extending eastwardly; premises numbered 1301 East Little Creek Road, suite #7.

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

- (a) The hours of operation for the facility shall be from 10:00 a.m. until 7:00 p.m. Monday through Friday, from 8:30 a.m. until 5:00 p.m. on Saturday, and from 10:00 a.m. until 2:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.

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 (5 P.H. 16 DEC '10)

Nature of the Request	Special Exception	To operate a Check Cashing Establishment
Applicant	Quick Money Solutions by Marie Hanley	
Address	1301 East Little Creek Road, Suite 7	
Property Owner	Mandy's Incorporated	
Site Characteristics	Building Area	700 square feet
	Zoning	C-2 (Corridor Commercial) district
	Neighborhood	Larrymore Lawns
Area Characteristics	North	C-2 district developed with Office and Retail Sales and Service uses. R-6 and R-7 (One Family) districts developed with single-family residences in the South Bayview neighborhood. R-11 (Moderate Density Multiple-Family) district developed with multiple-family residences in the South Bayview neighborhood.
	East	C-2 district developed with an Automobile Service Establishment and Retail Sales and Service Establishments. MHP (Mobile Home Park) district developed with Hogshire's Trailer Court. R-11 district developed with

		<p>single-family and multiple-family residences in the Larrymore Lawns Neighborhood. R-13 (Moderately High Density Multiple-Family) district developed with multiple-family residences in the Larrymore Lawns neighborhood. C-4 (Large Scale Commercial) district developed with an Automobile Sales and Service Establishment.</p>
	<p>South</p>	<p>C-2 developed with Automobile Repair Establishments and an Auto Title Loan Establishment. C-4 (Large Scale Commercial) district developed with an Automobile Sales and Service Establishment. PDMU-1 (Planned Development Mixed Use) district developed with single-family and multiple-family residences in the Oakmont neighborhood.</p>
	<p>West</p>	<p>C-2 district developed with retail uses, an Automobile Repair Establishment and an Eating and Drinking Establishment. Conditional IN-1 (Institutional) district developed with a Religious Institution. PDMU-1 district developed with single-family and multiple-family residences in the Oakmont neighborhood. R-6 and R-7 districts developed with single-family residences in the South Bayview neighborhood.</p>

A. Summary of Request

Quick Money Solutions is proposing to operate a Check Cashing Establishment at 1301 East Little Creek Road. Quick Money Solutions will be located within an existing shopping center with multiple tenants.

The proposed hours of operation are from 10:00 a.m. until 7:00 p.m. Monday through Friday, 8:30 a.m. until 5:00 p.m. Saturday, and 10:00 a.m. until 2:00 p.m. 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, a Check Cashing Establishment, is consistent with the *General Plan*.

b. Impact on the Neighborhood

The proposed Check Cashing Establishment will be located within an existing shopping center near the intersection of North Military Highway and East Little Creek Road which contains a variety of commercial uses including a financial institution. The parking provided on site is sufficient for all the uses that are on and proposed for the site.

Opposition to this application has been made by the Larrymore Lawns and South Bayview Civic Leagues and the Ward 5 Partnership, based on the number of similar establishments in the area.

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 this number of establishments within 1,000 feet, the addition of this use would represent a concentration that would adversely impact the surrounding area.

c. Transportation Impacts

No intensification of use at this location is proposed under the new Special Exception. No new trips are anticipated.

d. Impact on the Environment

No impact on the environment is anticipated.

e. Zoning Impact

The proposed Check Cashing Establishment will be located within an existing shopping center which contains multiple commercial retail sales and service uses. On-site parking is sufficient to service all the uses on the site. The addition of the proposed use, considering its similarity to other retail service uses, should not have a negative impact.

f. Payment of Taxes

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

D. Recommendations**1. Staff**

Considering the number of similar uses within 1,000 feet of the site, staff recommends denial of the application. If, however, the Planning Commission chooses to recommend approval, the following condition should be considered:

- (a) The hours of operation for the facility shall be from 10:00 a.m. until 7:00 p.m. Monday through Friday, from 8:30 a.m. until 5:00 p.m. on Saturday, and from 10:00 a.m. until 2:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.

2. Planning Commission

By a vote of 6-0, the Planning Commission recommends denial of the application.

Proponents:

Katherin Suarez
1301 East Little Creek Road, Suite 8
Norfolk, VA 23518

Opponents:

Larrymore Lawns Civic League
South Bayview Civic League
Ward 5 Partnership

Attachments

Application
Current Zoning Map