

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT

#

CASE NUMBER: SUP15-229 **LUCB Meeting:** December 10, 2015

DEVELOPMENT NAME: Ace Cash Express (Covington)

LOCATION: 2474 Covington Pike

COUNCIL DISTRICT: 1

SUPER DISTRICT: 9

OWNER OF RECORD/APPLICANT: James S. Linder

REPRESENTATIVE: L. Hunter

REQUEST: To allow existing pawn loans in addition to existing payday loans at Ace Cash Express

AREA: 0.34 acres

EXISTING LAND USE & ZONING: Commercial Mixed-Use (CMU-3)

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION: Rejection**

CONCLUSIONS:

The subject site is an approximately .34 acre site situated at 2474 Covington Pike. It is improved land and surrounded by Commercial Mixed-Uses, payday loan services and pawn loan services within a 1,000-foot radius. The applicant proposes to continue the nonconforming pawn loans at this location. The proposal will further degrade the area with the proliferation of high interest loan establishments in the area and it is not supported by OPD Staff.

LAND USE AND ZONING MAP



SURROUNDING LAND USES AND ZONING:

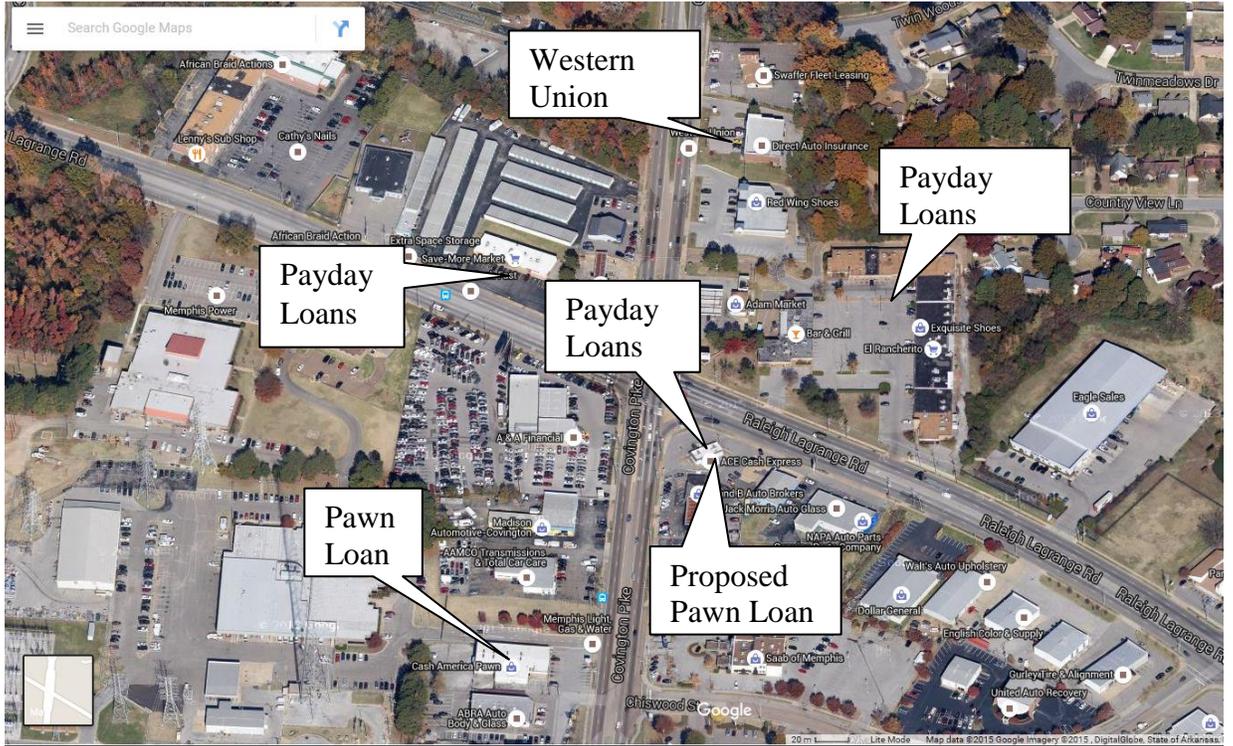
- North:** CMU
- East:** Multi-Dwelling
- South:** Multi-Dwelling
- West:** CMU

Aerial of Site



The subject site has frontage along Covington Pike and Raleigh-LaGrange.

Similar Uses Proximity





Subject site



Looking east
on Raleigh-
LaGrange

STAFF ANALYSIS:

Site Characteristics:

The site is situated on a .34 acre lot, located at 2474 Covington Pike, within the CMU-3 zoning district. The subject property is surrounded by commercial land-uses. The site currently houses a payday loan business and a nonconforming pawn loans business.

Proposal:

The applicant is proposing to legitimize the existing pawn loan services to operate in tandem with the existing payday loans within the same structure. A business is required to obtain approval from the Memphis City Council prior to establishing a pawn shop/pawn loans per the UDC Subsection 2.9.4H (Retail Sales and Service).

Site Plan:

The applicant is proposing to utilize the existing structure and site, while making no aesthetic improvements to the site.

Staff's Review of the area:

Ace Cash Express is currently operating pawn loans at the subject site without the approval of the Memphis City Council. This was verified by OPD's Staff Planner (Calvin Abram) calling the subject site and speaking to Erica (Ace Cash Express) and she verified the location provides pawn loans until 6pm (Staff received an anonymous call and was made aware of the nonconforming use).

The UDC does not establish a minimum distance standard pertaining to pawn shops (services) as it does with payday loans; however, the subject site is surrounded by four (4) payday loan or pawn loan services and if you include the subject site that would increase the number to five (5) such uses within 1,000 feet of each other (Western Union is known to partner with Quick into Cash in order to provide payday loans). This area of Covington Pike has become saturated with high interest rate loan providers and the current UDC would not allow the payday loan services at their current locations.

A Special Use Permit (SUP) application is intended for a use that may be unique to an area that will be a value add within it; but, it is not intended to change the character and/or integrity of an existing community/corridor.

Conclusion:

The applicant is requesting to legitimize an existing nonconforming use at its current location. The parcel as designed creates safety issues from its parking

layout. The layout fails to allow two (2) way traffic circulation onsite and the ingress/egress from Raleigh-LaGrange fails to allow a safe sight triangle for vehicles attempting to use this ingress/egress onsite. The applicant's request also fails to meet the intended business uses along Covington Pike and Raleigh-Lagrange. The intersection of Covington Pike at Raleigh-LaGrange has an inordinate number of payday/pawn loan establishments within 1,000-feet of the intersection. The applicant's proposal will only further introduce these services to this immediate area and continue to detract from other businesses that are more suitable to this area.

The applicant is not proposing to improve circulation to the site which would directly benefit pedestrian and vehicular safety to the site

This proposal as presented will not be consistent with the area and will detract from the Covington Pike and Raleigh-Lagrange commercial corridor.

Finding:

The project will have a substantial or undue adverse effect upon adjacent property, the character of neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare; (Subsection 9.6.9A of the UDC).

RECOMMENDATION: Rejection

If the LUCB approves SUP15-229, OPD recommends the following conditions:

Conditions for SUP15-229

1. The applicant shall submit an amended site plan to OPD prior to the application being heard by Memphis City Council.
2. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with the UDC Section 4.6.9 and landscape plan as submitted.
3. The applicant shall maintain all landscaping to the site.
4. The applicant shall identify the dimensions of all signage to the site and signage shall be in compliance with the CMU-3 Zoning District; however, detached signs shall be designed as monument signs only.
5. The applicant shall submit a final plan for the site and a landscape to OPD prior to case being heard at the Memphis City Council.

GENERAL INFORMATION:

Planning District: Raleigh-Bartlett

Census Tract: 020621

Street Frontage: Raleigh-LaGrange and Covington Pike

Municipal Annexation Reserve Area:

Zoning Atlas Page: 1845

Parcel ID: 088031 00002C

Zoning History: CMU-3

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer: Comments received.

1. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
2. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,
3. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
4. The width of all existing off-street sewer easements shall be widened to meet current city standards.
5. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No Comment

City Real Estate: No comments received.

City/County Health Department: No comments received.

City Board of Education: No comments received.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection.

Bell South:

[AT&T Tennessee has no comment.](#)

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

Neighborhood Associations:

No comments received.