

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 05/28/2013
Agenda Item: 5**

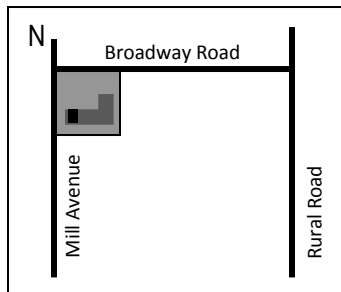
ACTION: Request for a Use Permit for to allow an Auto Title Loan store for BROADWAY PLAZA - TITLEMAX located at 19 East Broadway Road. The applicant is Reese L. Anderson, Pew & Lake PLC.

FISCAL IMPACT: There is no fiscal impact on city funds.

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: TITLEMAX (PL130112) is located on the east side of Mill Avenue, south of Broadway Road in an established commercial center. The proposed use would occupy a 5,000 s.f. suite at the corner of the building. The request includes the following:

ZUP13031 Use Permit to allow an auto title loan store in the Commercial Shopping and Service Zoning District.



Property Owner	Mark Stoneman, Sem Investments, LLC.
Applicant	Reese Anderson, Pew & Lake PLC.
Zoning District	CSS
Lot Size	2.56 acres
Suite 19 Size	5,005 s.f.
Parking Required/Provided	17 / 67 shared within plaza
Hours of Operation	9am – 7pm Monday through Saturday
Occupancy	219 (as a restaurant use)

ATTACHMENTS: Development Project File

STAFF CONTACT: Diana Kaminski, Senior Planner (480)-858-2391

Department Director: Lisa Collins, Interim Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator



COMMENTS

The Broadway Plaza property is located within an existing shopping center on the south east corner of Mill Avenue and Broadway Road. A commercial pharmacy is located on the south west corner, a high school on the north west corner, and a bank on the north east corner. The site has been used for a variety of commercial uses over the years; suite 19 has previously been used as a restaurant use, with a history of different tenants. The applicant is leasing the 5,000 s.f. suite but will only be using a portion of the suite for the office use. The business provides loans to individuals who use their car as collateral by placing a lien on the car title for the amount of the loan. When the loan is repaid, the lien is removed and the car title is returned to its owner. If the borrower defaults on their payments then the lender repossess the vehicle and sells it to repay the borrowers' outstanding debt. These loans are typically short-term, and tend to carry higher interest rates than other sources of credit. Lenders typically do not check the credit history of borrowers for these loans and only consider the value and condition of the vehicle that is being used to secure it. There would be no sale of vehicles at this location, the business would function similarly to any other office use, and the applicant indicated they do not store money on site. There are five TitleMax stores within five miles of this location. The required separation of 1,320 feet is met from any other auto title loan provider, however there are other service providers within 1 mile of this location.

PUBLIC INPUT

At the writing of this report, there was one inquiry regarding this request and one person who emailed in opposition to payday loans.

POLICE INPUT

Security plan is not required for this use.

USE PERMIT

The proposed use requires a Use Permit, to allow an auto title loan for Broadway Plaza TITLEMAX in the CSS, Commercial Shopping and Service District

Section 6-308 E Approval criteria for Use Permit:

1. *Any significant increase in vehicular or pedestrian traffic.* The applicant has stated that the proposed use is for an office to operate an auto title loan business. The existing building interior configuration would require 17 parking spaces for an office use however, the applicant will be modifying the interior to only utilize half of the suite for their 7 employees (based on work stations shown on plans). The parking lot is a shared lot with other businesses. The anticipated 30-40 customers per day to the site would be less than the allowed restaurant occupancy of 219 people for this suite. The proposed use as described is less intense than the former restaurant use and should not increase traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* The proposed use is an office use contained entirely within an existing building. The building will be required to meet building safety code requirements for exiting. There are no known nuisances from this use.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.* The office use is compatible to the surrounding uses.
4. *Compatibility with existing surrounding structures and uses.* The proposed office use will make no changes to the exterior of the site, and is compatible with surrounding structures and uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* The applicant has 818 offices around the country and demonstrated experience at customer service. There are no known nuisances with the proposed use, and the applicant will be conducting business entirely inside the suite.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

Conclusion

Based on the information provided by the applicant, and the above analysis, staff recommends approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DEVELOPMENT REVIEW COMMISSION.

CONDITIONS OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. The Property Owner shall replace all dead or missing trees along the street frontages (minimum of 1 tree per 30 linear feet of street frontage) and within the existing required landscape islands within the parking lot.
5. There shall be no vehicles for sale at this location.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for TITLEMAX and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8372.
- Any intensification or expansion of use, including shall require a new Use Permit.
- With the exception of permitted signage, banners or other attention-getting devices are prohibited from being used.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

HISTORY & FACTS:

August 12, 1963 Final building inspections were conducted for this commercial center.

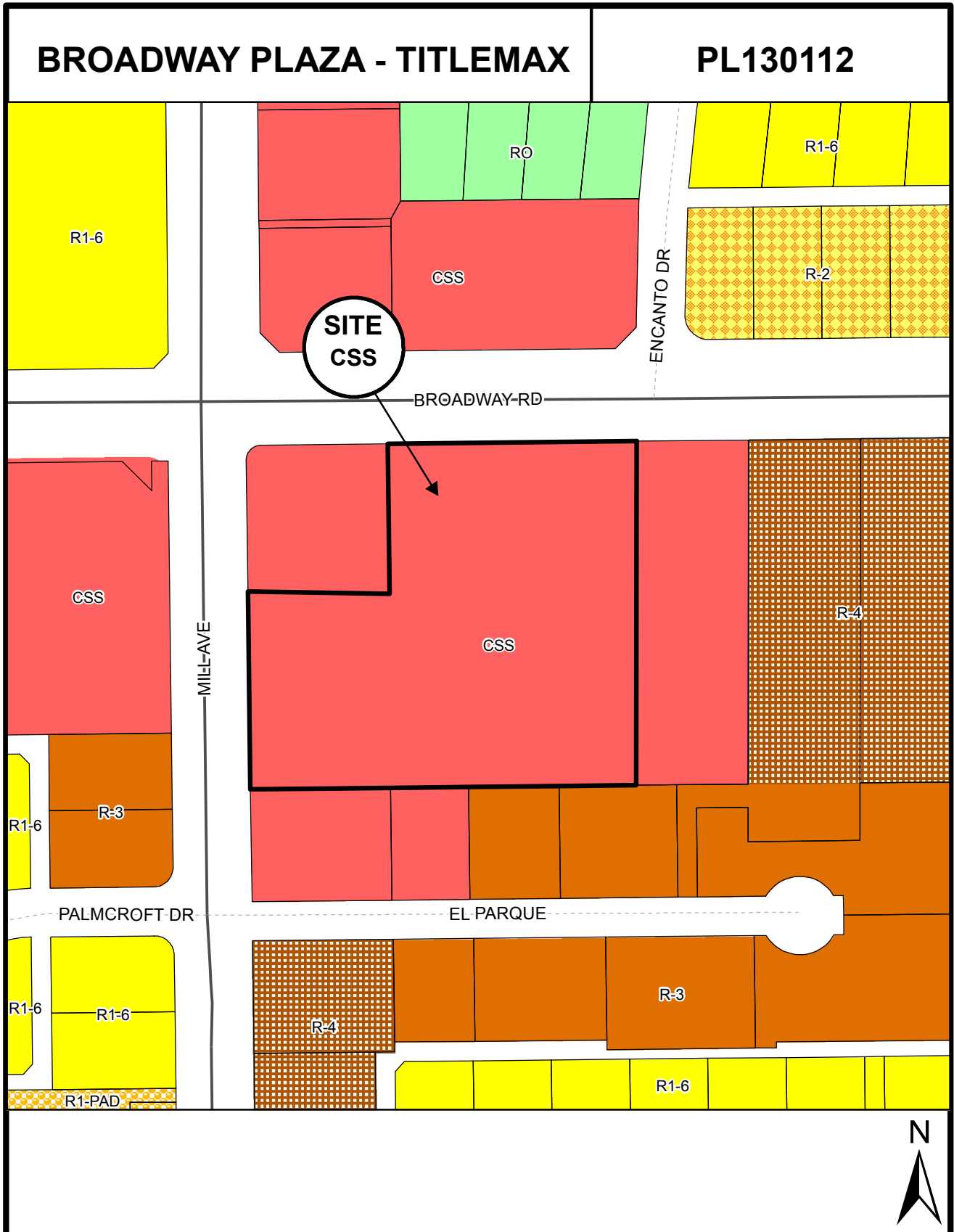
May 7, 2013 Hearing Officer continued the case to the Development Review Commission due to a conflict of interest in hearing the case.

There is no other relevant history to this case.

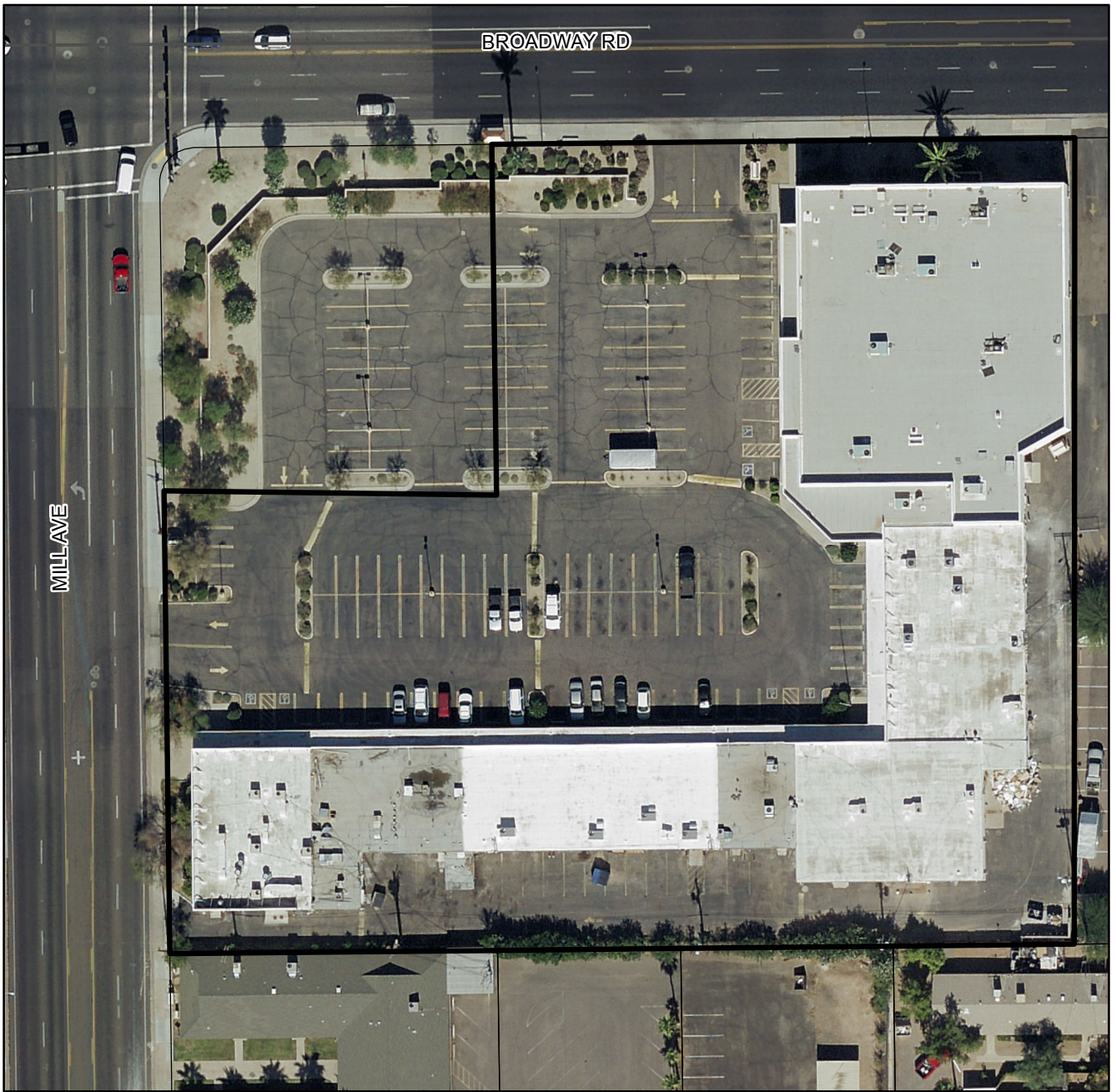
ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-308 Use Permit

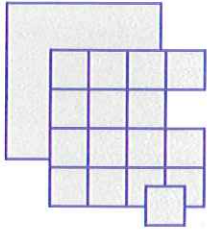
Section 3-423B. Use Separation Requirements for Auto Title Loan



Location Map



BROADWAY PLAZA - TITLEMAX - (PL130112)



Pew & Lake, P.L.C.
Real Estate and Land Use Attorneys

W. Ralph Pew
Certified Real Estate Specialist
Sean B. Lake
Reese L. Anderson

March 27, 2013

Tempe Planning Staff
City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85281

*Re: Letter of Explanation for TitleMax Auto Title Loans
19 E. Broadway, Tempe, Arizona 85282*

Dear Sir or Madam:

This firm represents TMX Finance, Inc., and TitleMax of Arizona, Inc. (collectively "TitleMax"). TitleMax offers car title loans to its customers and is interested in locating in the City of Tempe. Please accept this Letter of Explanation in furtherance of TitleMax's application for a Use Permit for the property located at 19 E. Broadway, Tempe, Arizona 85282.

The site is currently zoned CSS, which allows Auto Title Loans in the CSS District, subject to the approval of a Use Permit. This Letter of Explanation describes the use, business hours, number of employees, typical customers, etc. This letter will also address how the proposed use will affect the surrounding area.

Description of Use

TitleMax is a privately-owned, title lending company based in Savannah, Georgia. It has over 818 Offices in Georgia, Alabama, Missouri, Illinois, Virginia, Mississippi, Missouri, South Carolina, Tennessee, Texas, Arizona, & Nevada and employs over 3,700 individuals. TitleMax currently serves over 400,000 customers.

TitleMax offers car title loans. TitleMax does not offer any payday loans or check-cashing services, and its title loans are not loans for payment of a percentage fee. As part of its service, TitleMax offers 0% title loans to military customers. Service members and spouses covered under Service Member Civil Relief Act or who are deployed to combat or combat-

support zones qualify for 0% loans. In fact, TitleMax will buy out qualifying military loans from competitors and lower the rate to 0%.

Proposed Location

TitleMax proposes to open in Suite 19 of the former Walgreens Plaza located at the southeast corner of Broadway & Mill in Tempe, Arizona. Suite 19 is the far southwest corner of the site and borders Mill Avenue. Access to the site is limited to the existing curb cuts in Broadway and Mill. There is no direction connection to the properties to the east and south which are non-residential uses. Thus, the possibility of TitleMax traffic spilling over and into adjacent residential neighborhoods is non-existent.

Business Operations

TitleMax's normal business hours are anticipated to be from 9 AM to 7 PM, Monday thru Friday and 9 AM to 6 PM on Saturdays. They are closed on Sundays. There are typically 3 to 4 employees on site at all times and in busier times there could be as much as 6 employees on site. An average day will generate 30-40 customers. Thus, based on the very low amount of traffic, adjacent tenants, property owners and customers, will not be affected by TitleMax's operations. All business is conducted within the store. No cash or other valuable are kept on the premises. The site looks, feels, and operates like a small local bank, without, of course, any cash stored on site.

Site Improvements

As part of TitleMax's process in opening a site, all interiors are completely refurbished before occupying. In this case, minimal exterior enhancements will be made because it is within an existing shopping center. Of course, signage will be updated and approved through a separate process. Any minor repairs, if necessary will also be made.

Required Separation

Each Auto Title Loan business shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of another auto title loan. As of the date of this submittal, we are not aware of any other Auto Title Loan use within 1,320 feet of the site.

Justification / Support

Accordingly, it can be confidently stated that the opening of a TitleMax store at this location will:

- a. not cause any significant vehicular or pedestrian traffic within the existing plaza and especially in adjacent neighborhoods. TitleMax's relative low amount of customers

- per day and the location of the store on two (2) arterial roads, will not cause any detrimental increase in traffic; and
- b. not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions. TitleMax conducts all uses within the building and the use does not cause any of the foregoing conditions; and
 - c. not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City. TitleMax will help bring customers back to this location after Walgreens moved across the street. We believe that the new customers will only help benefit this center; and
 - d. be compatible with existing surrounding structures. A TitleMax store at this location is completely compatible with all surrounding uses; and
 - e. not result in any disruptive behavior which may create a nuisance to the surrounding area or general public. As noted previously, TitleMax stores are very low impact and will not create any disruptive behavior or nuisances.

Conclusion

Given the proposed use and operation of the store, it can conclusively be stated that the proposed TitleMax store satisfies all conditions of the Use Permit Application process. Please contact us if you have any additional questions or if you need additional information. Thank you in advance for your attention to this matter. We look forward to working with you and urge your support.

Sincerely,

PEW & LAKE, PLC

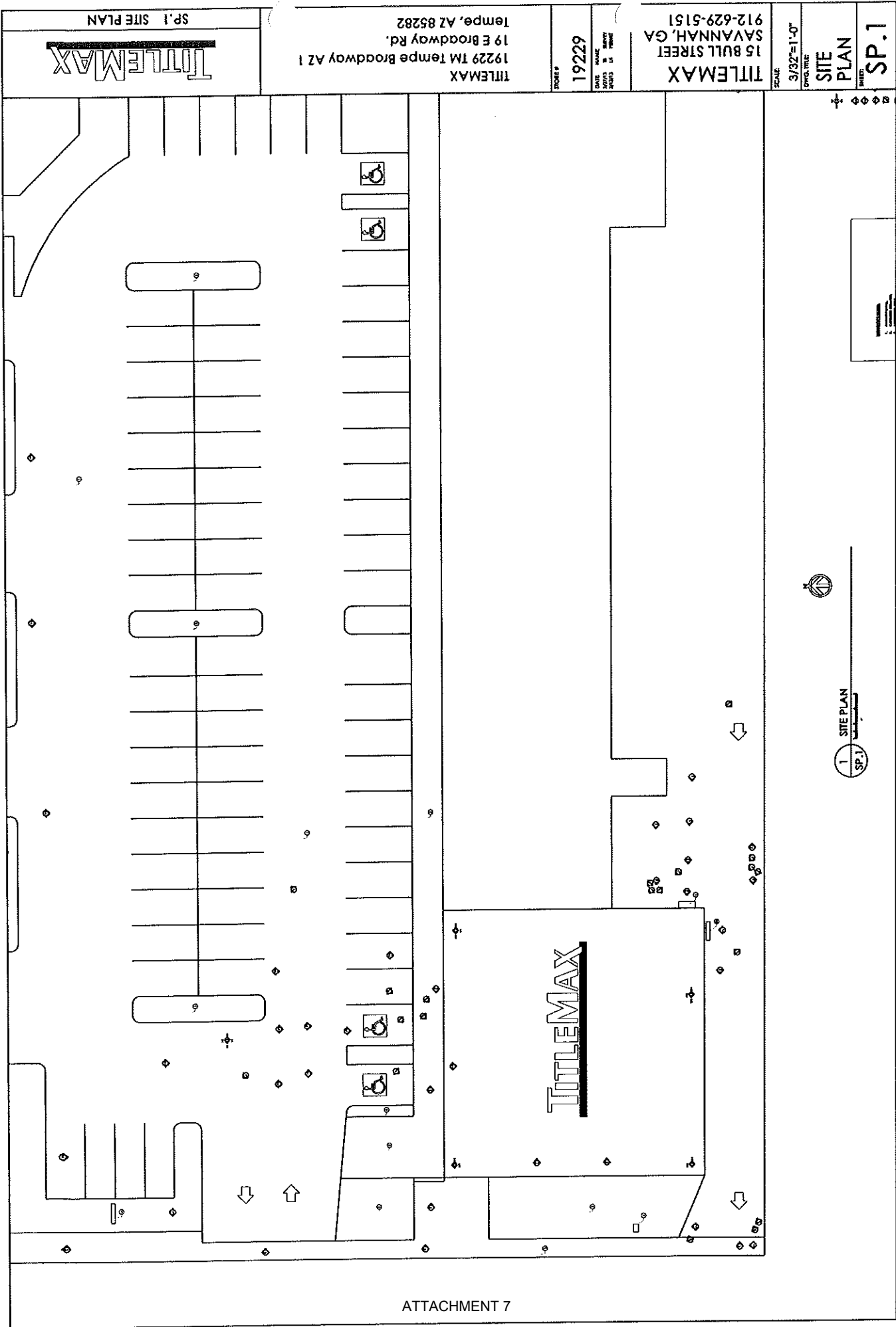


Reese L. Anderson

cc: Mr. Paul Bland, TitleMax
Mr. Chris Ryan, TitleMax

**Aerial Photo
TitleMax Use Permit
SEC Broadway & Mill, Tempe, Arizona**





TITLEMAX

SP.1 SITE PLAN

TITLEMAX
 19229 TM Tempe Broodway AZ 1
 19 E Broodway Rd.
 Tempe, AZ 85282

STORYS
 19229
 DATE 04/15/2010
 DRAWN BY J. J. JONES
 CHECKED BY J. J. JONES

TITLEMAX
 15 BULL STREET
 SAVANNAH, GA
 912-629-5151

SCALE
 3/32"=1'-0"
 CIVIL/PLN

SITE
 PLAN

SP.1



GRAPHICS SCHEDULE			
ITEM	QTY	UNIT	REMARKS
WALL STRIPES	16	PCS.	
WINDOW STRIPES	57	LF	
TAG LINES	10	EA.	

SURGE SCHEDULE			
SIZE	90° COORD	15°	6°
QUANTITY	1	4	0
		4	0
		4	4

NOTE: SEE DETAILS 1 & 2/3 FOR ADDITIONAL GRAPHICS INFORMATION

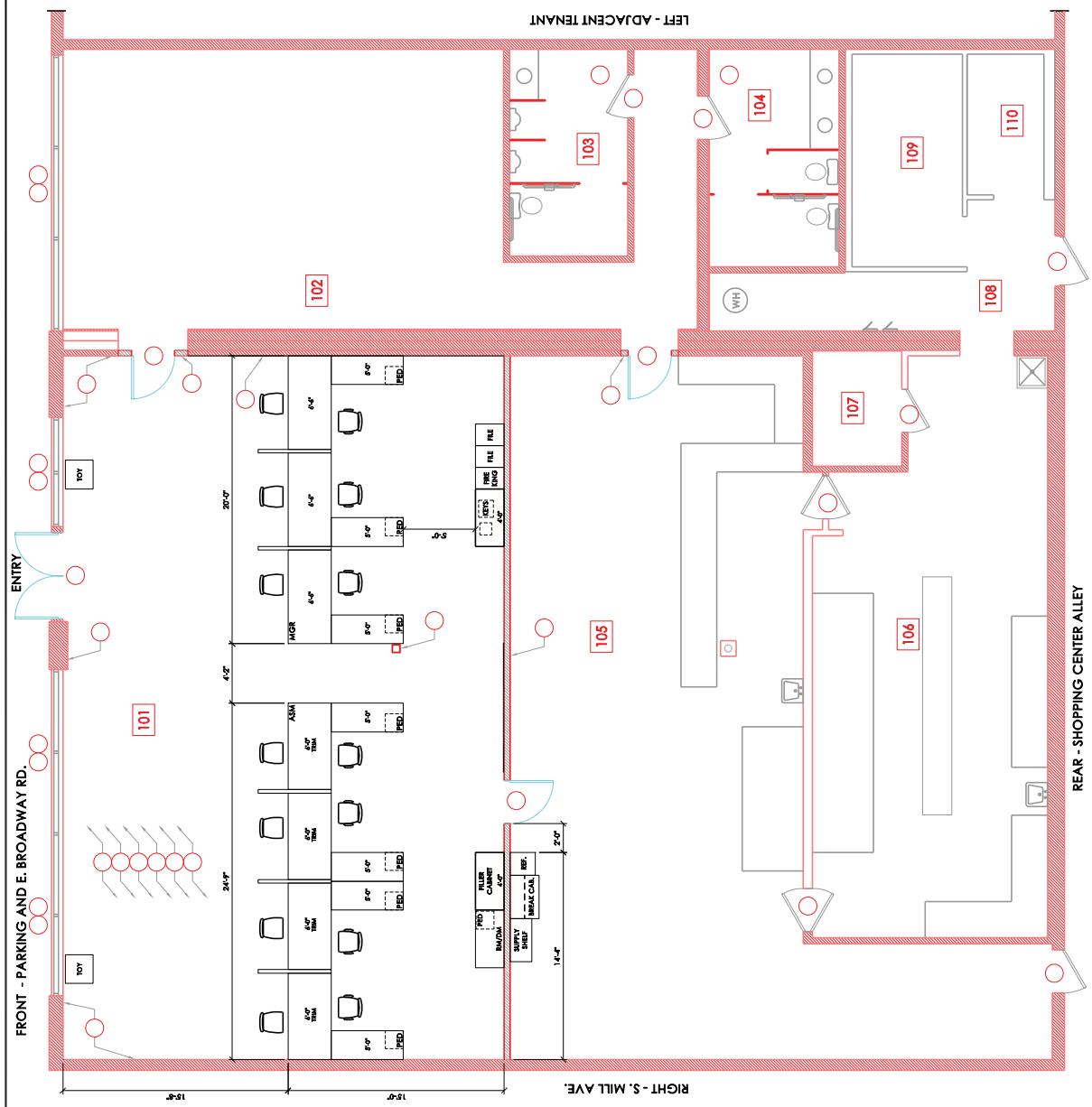
NUMBER	ROOM	ROOM FINISH SCHEDULE			REMARKS
		FLOOR	WALLS	CEILING	
101	SALES AREA	CARPET	BLACK VINYL	ACT 234	9'-5" SEE RETINOTES
102	CORRIDOR	NC	NC	NC	EXISTING TO REMAIN
103	RESTROOM	NC	NC	NC	EXISTING TO REMAIN
104	RESTROOM	NC	NC	NC	EXISTING TO REMAIN
105	BACK ROOM	NC	NC	NC	EXISTING TO REMAIN
106	KITCHEN	NC	NC	NC	UNOCCUPIED, EXISTING TO REMAIN
107	STORAGE	NC	NC	NC	EXISTING TO REMAIN
108	UTILITY	NC	NC	NC	UNOCCUPIED, EXISTING TO REMAIN
109	POOLER	NC	NC	NC	REMOVE DOOR, EXISTING TO REMAIN
110	POOLER	NC	NC	NC	REMOVE DOOR, EXISTING TO REMAIN

- PROPOSED FLOOR PLAN NOTES:**
- PATCH/REPAIR DEMO SCARS OR WHERE WALL DAMAGE ALREADY EXISTS WITHIN PROPOSED SALES AREA.
 - SKIM COAT EXISTING FLOOR SLAB IN SALES AREA AS REQUIRED TO PROVIDE A SMOOTH SURFACE FOR NEW FLOORING.
 - FURNISH/INSTALL NEW LAMINATE GYP. BD. WHERE EXISTING WALL FINISHES HAVE BEEN REMOVED AND/OR AS INDICATED.
 - WRAP COLUMNS WITH GYP. BD. PER PLANS. (MINIMUM PROFILE)
 - FURNISH/INSTALL NEW METAL STUD GYP. BD. ASSEMBLY (UP TO EXISTING CEILING GRID) PER PLAN.
 - FURNISH/INSTALL NEW CARPET AND BASE PER FINISH SCHEDULE & TM SPECS.
 - PAINT INTERIOR WALLS PER FINISH SCHEDULE & TM SPECS.
 - CLEAN EXISTING STOREFRONT WINDOWS/DOORS.
 - RESTROOMS ARE EXISTING TO REMAIN: CLEAN THOROUGHLY PRIOR TO TURNOVER TO TITLEMAX STAFF.
 - PATCH/REPAIR DEMO SCARS AS REQUIRED WHERE FIXTURES/EQUIPMENT HAVE BEEN REMOVED.
 - INSTALL NEW WALL & WINDOW GRAPHICS PER TM SPECS.
 - VERIFY ALL EXISTING DOORS TO REMAIN ARE IN GOOD WORKING ORDER.
 - FURNISH/INSTALL NEW STOREFRONT DOORS WITH TRANSOM FRAME, THRESHOLD, AND PASSAGE HARDWARE PER TITLEMAX SPECS.
 - FURNISH/INSTALL NEW FLAT PANEL 3'-0" X 6'-8" PRE-HUNG WOOD DOOR AND FRAME WITH PASSAGE HARDWARE PER TITLEMAX SPECS.
 - FURNISH/INSTALL NEW FLAT PANEL 3'-0" X 6'-8" PRE-HUNG METAL DOOR/FRAME AND THRESHOLD WITH PASSAGE HARDWARE PER TITLEMAX SPECS.
 - PROVIDE WINDOW TINT TO WINDOWS PER PLAN AND TM SPECS.
 - BLACK OUT ALL WINDOWS NOT LOCATED WITHIN SALES AREA AS INDICATED.

LEGEND:

- EXISTING ITEM TO REMAIN (E)
- NEW ITEM (N)
- RELOCATED (R)
- EXISTING ITEM TO BE REMOVED (R)
- KEY NOTE (1)

PLAN NOTE: LINE WEIGHTS INDICATE EXISTING CONDITION/ITEM.



1 PROPOSED FLOOR PLAN: 1,496 S.F. SALES / 5,011 S.F. TOTAL

SCALE: 1/4" = 1'-0"

DWG. TITLE: FLOOR PLAN

SHEET: A.1

FRONT - PARKING AND E. BROADWAY RD.

RIGHT - S. MILL AVE.

REAR - SHOPPING CENTER ALLEY

LEFT - ADJACENT TENANT

19229 TITLEMAX

19229 TM Tempe Broadway AZ 1

19 E Broadway Rd.

Tempe, AZ 85282

DATE: 2/27/19

BY: SHERRY

SP: JWB

UT: REB

STORE #: 19229

DATE: 2/27/19

BY: SHERRY

SP: JWB

UT: REB

15 BULL STREET

SAVANNAH, GA

912-629-5151

SCALE: 1/4" = 1'-0"

DWG. TITLE: FLOOR PLAN

SHEET: A.1



A.1 FLOOR PLAN

TITLE MAX PL130112 Site Photos
Development Review Commission May 28, 2013

