

CITY OF KNOXVILLE

BILL HASLAM, MAYOR



Operations & Engineering

Gary Norman

Building Inspections Director

October 18, 2006

Metropolitan Planning Commission
400 Main Street
Suite 403
Knoxville, TN 37902



11-8-06-03

RE: CLT # 068OB004

To Whom It May Concern:

The Plans Review and Inspections Office is asking the Metropolitan Planning Commission to make a determination whether the business currently operating at this location, Easy Money Inc, is a prohibited use in a C-4 Highway and Arterial Commercial District as stated in Article 4, Section 10. D. 7. of the City of Knoxville Zoning Ordinance.

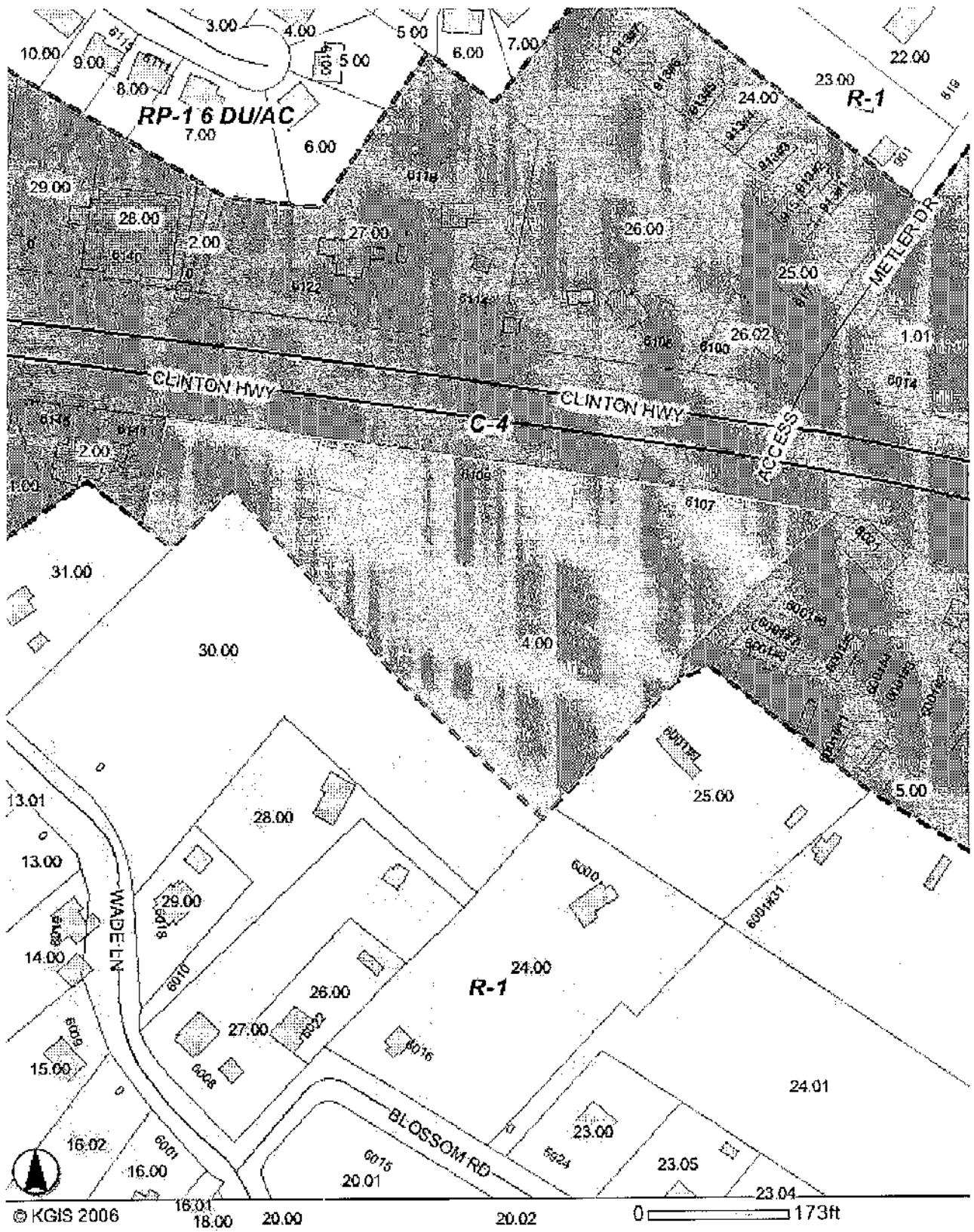
Complaints from surrounding property owners and area neighborhood organizations have been received by numerous city departments.

I ask that you place this item on the MPC agenda to be heard as soon as possible. Please do not hesitate to contact me if you need additional information.

Sincerely,

Gary B. Norman
Building Inspections Director

- c: Mayor Bill Haslam
Debbie Poplin, Deputy Director, City Law Department
Brent Johnson, Deputy Director, City Engineering Department
David Brace, Deputy Director, Public Service Department
Lt. David Rausch, West District Commander, Knoxville Police Department
Roger Byrd, Fire Marshal
Sam Anderson, Senior Director, Community and Neighborhood Services
Tom Reynolds, Building/Zoning/Plans Review Chief
Anita Cash, Zoning Inspector



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6109/6131 CLINTON HIGHWAY – 068OB004

This property is currently zoned C-4, Highway and Arterial Commercial District, and is currently being used for a "Title Pawn" business, Easy Money Pawn Shop. Currently there are in excess of 300 vehicles being parked on the premises.

The request before you today is asking you to make a ruling whether the business, Easy Money Pawn, is currently in violation of the City of Knoxville Zoning Ordinance and should be considered a Prohibited Use in the C-4 zone as described in Article 4, Section 10, D. 7.

"D. PROHIBITED USES AND STRUCTURES:

The following uses are prohibited in the C-4 Highway and Arterial Commercial District:

1. Houses, duplexes or multi-dwelling structures or developments.
2. Manufacturing.
3. Bulk storage of inflammable liquids.
4. Junk yards, salvage yards.
5. Elementary schools, public or private.
6. All uses and structures not of a nature specifically permitted herein.
7. **Any use which the Planning Commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on public ways by reason of odor, smoke, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter or radiation, or likely for other reasons to be incompatible with the character of the districts."**

This use is incompatible with the character of the district, is offensive to adjacent occupancies in the same or neighboring districts and is offensive to those who pass on public ways. In addition, it is not operating in a manner similar to the majority of title pawn businesses operating throughout the City.

Photos 1 thru 23 are pictures of other title pledge businesses operating in the City of Knoxville. With the exception of the locations shown in photographs 5 and 17, which also operate as a vehicle sales lot, none of these locations store vehicles on the premises. None of these other businesses have vehicles for sale on the premises. Photo 10 shows eight vehicles stored on the premises; however, these are not legally stored and the owner has been notified of this zoning violation.

- Photo 1 – 4542 Chapman Highway – Southern Title Loans
No vehicles kept on premises
- Photo 2 – 3917 Chapman Highway – Title Max
No vehicles kept on premises
- Photo 3 – 3800 Chapman Highway – Tennessee Title Loans
No vehicles kept on premises
- Photo 4 – 3705 Chapman Highway – Uncle Easy's
No vehicles kept on premises
- Photo 5 – 3303 Chapman Highway – Car Credit Title
All vehicles are parked in orderly manner
- Photo 6 – 2623 Chapman – Payday Loans
No vehicles kept on premises
- Photo 7 – 2130 Magnolia Avenue – Knox Jewelry and Loan
No vehicles kept on premises
- Photo 8 – 2522 Magnolia Avenue – Title Max
No vehicles kept on premises
- Photo 9 – 5749 Western Avenue – Always Payday
No vehicles kept on premises
- Photo 10 – 5746 Western Avenue – Big Orange Pawn and Loan
8 vehicles currently on premises
- Photo 11 – 8018 Kingston Pike – Cash 1 Check Advance
No vehicles kept on premises
- Photo 12 – 7834 Montvue Center Way – Southern Title Loans
No Vehicles kept on premises
- Photo 13 – 7213 Kingston Pike – Title Max
No vehicles kept on premises
- Photo 14 – 2501 N. Broadway – Tennessee Title Loans
No vehicles kept on premises
- Photo 15 – 3010 N. Broadway – Check Cash USA
No vehicles kept on premises

Photo 16 – 3009 N. Broadway – Title Max
No vehicles kept on premises

Photo 17 – 4200 Clinton Highway – Car Credit
All vehicles are parked in orderly manner

Photo 18 – 4903 Clinton Highway – Tennessee Title Loans
No vehicles kept on premises

Photo 19 – 5100 Clinton Highway – Fast Cash
No vehicles kept on premises

Photo 20 – 5103 Clinton Highway – Southern Title Loans
No vehicles kept on premises

Photo 21 – 5109 Clinton Highway – Payday Express
No vehicles kept on premises

Photo 22 – 5300 Clinton Highway – Title Max
No vehicles kept on premises

Photos 23 thru 28 reflect the only other title pawnshop in the City that operates similar to Easy Money Pawn at 6109/6131 Clinton Highway. This pawnshop is the Big Easy Pawn Shop located at 3900 Chapman Highway. As you can see in these photos, there are a number of what appear to be junk vehicles stored on this property. In addition, there are weeds growing up in the fence and throughout the rear portion of the property.

Photo 23 – 3900 Chapman Highway – Big Easy Pawn

Photo 24 – 3900 Chapman Highway – Big Easy Pawn

Photo 25 – 3900 Chapman Highway – Big Easy Pawn

Photo 26 – 3900 Chapman Highway – Big Easy Pawn

Photo 27 – 3900 Chapman Highway -- Big Easy Pawn

Photo 28 – 3900 Chapman Highway -- Big Easy Pawn

NOTE: The red truck shown with the hood up doesn't even have a motor.

Photos 29 thru 32 show the businesses located in the immediate area of the property in question. As you can see from the photos, there is a car lot, a computer business, a strip center currently under renovation and an occupied strip center. These photos are representative of other businesses located on Clinton Highway.

Photo 29 – 6145 Clinton Highway – Gene’s Used Cars

Notice at the car lot the vehicles are parked in an orderly manner and on a sealed surface (not grass).

Photo 30 – 6147 Clinton Highway -- Computers

Photo 31 – 6149 – 6161 Clinton Highway – Strip Center (under renovation)

Photo 32 – 6160 – 6164 Clinton Highway – Strip Center

Photos 33 thru 41 depict the property immediately adjacent to the property in question. As you turn off Clinton Highway onto Murray Road you are immediately in a residential district. The property used by Easy Money Pawn is abutting residentially zoned property.

Residents in the immediate vicinity are faced with looking at this site everyday. Calls have been received in our office alleging that vagrants are sleeping in vehicles; rodents and other vermin are running onto adjacent properties from this 6109/6131 Clinton Highway onto their property and the overall general condition and appearance of this property.

Notice in photos 37 and 38 the vehicles that are visible just beyond the chain link fence. These vehicles are located on 6109/6131 Clinton Highway. The residents next door must look at these vehicles everyday.

Photos 42 thru 54 are of the property in question, 6109/6131 Clinton Highway. Notice the excess number of vehicles parked in disarray throughout the property. The large majority of these vehicles are parked on grass. Many have missing tires, others have no tires. Some appear to have parts missing and many appear to be inoperable.

Based on the evidence provided, we ask that you make the determination that Easy Money Pawn, operating at 6109/6131 Clinton Highway, is offensive to adjoining properties and to persons passing by on public right-of-way; is not operating in a manner similar to the other businesses of the same type and should be considered a prohibited use as described in Article 4, Section 10. D. 7. of the City of Knoxville Zoning Ordinance.

Southern Title Loans

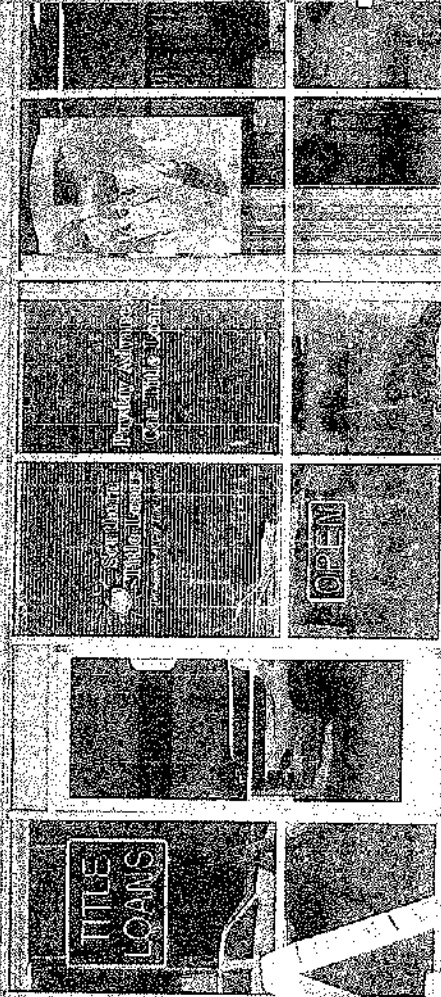


Photo 1
4542 Chapman Highway

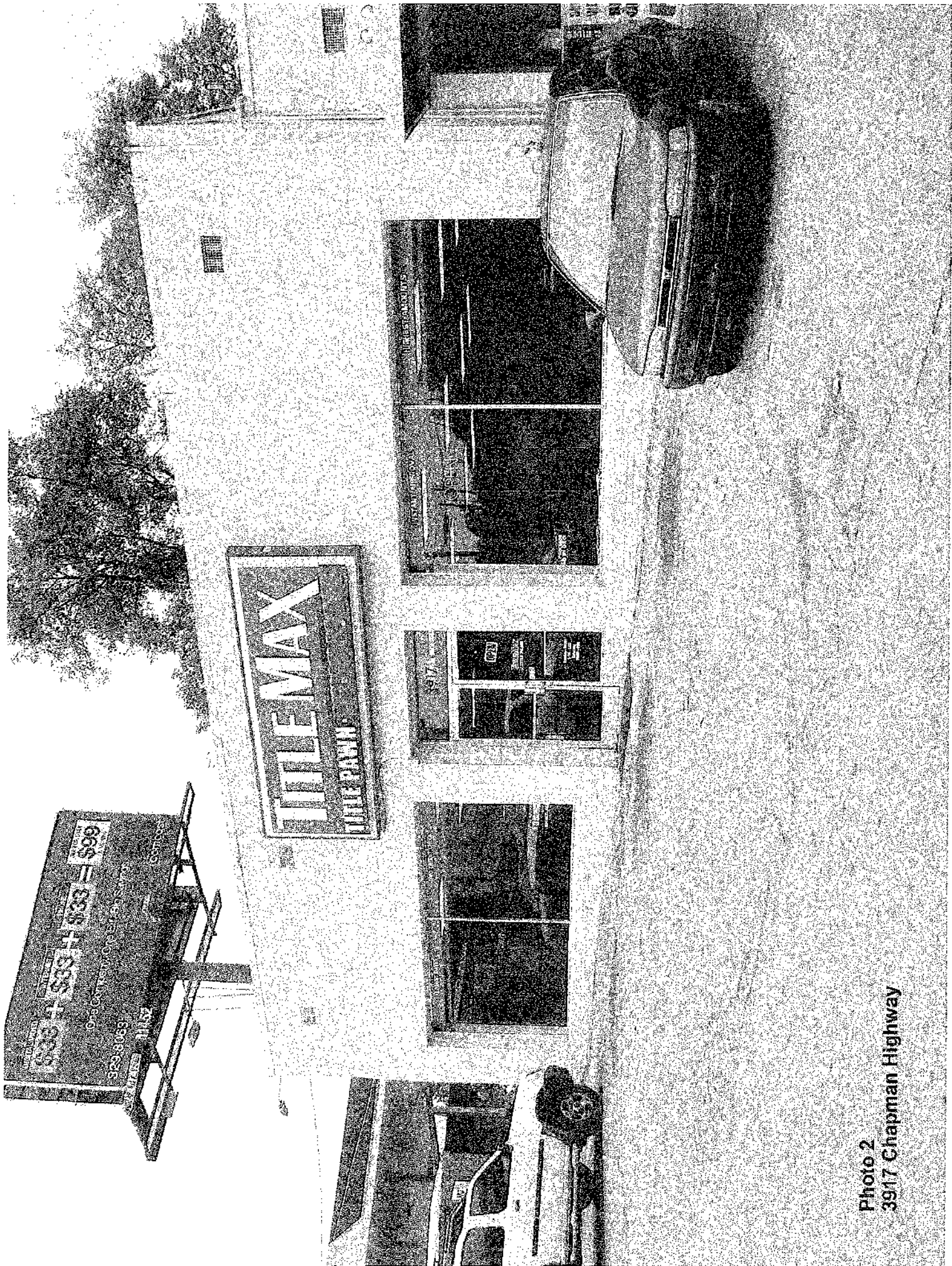


Photo 2
3917 Chapman Highway

TENNESSEE TITLE LOANS
(800) 573-6700

Photo 3
3800 Chapman Highway

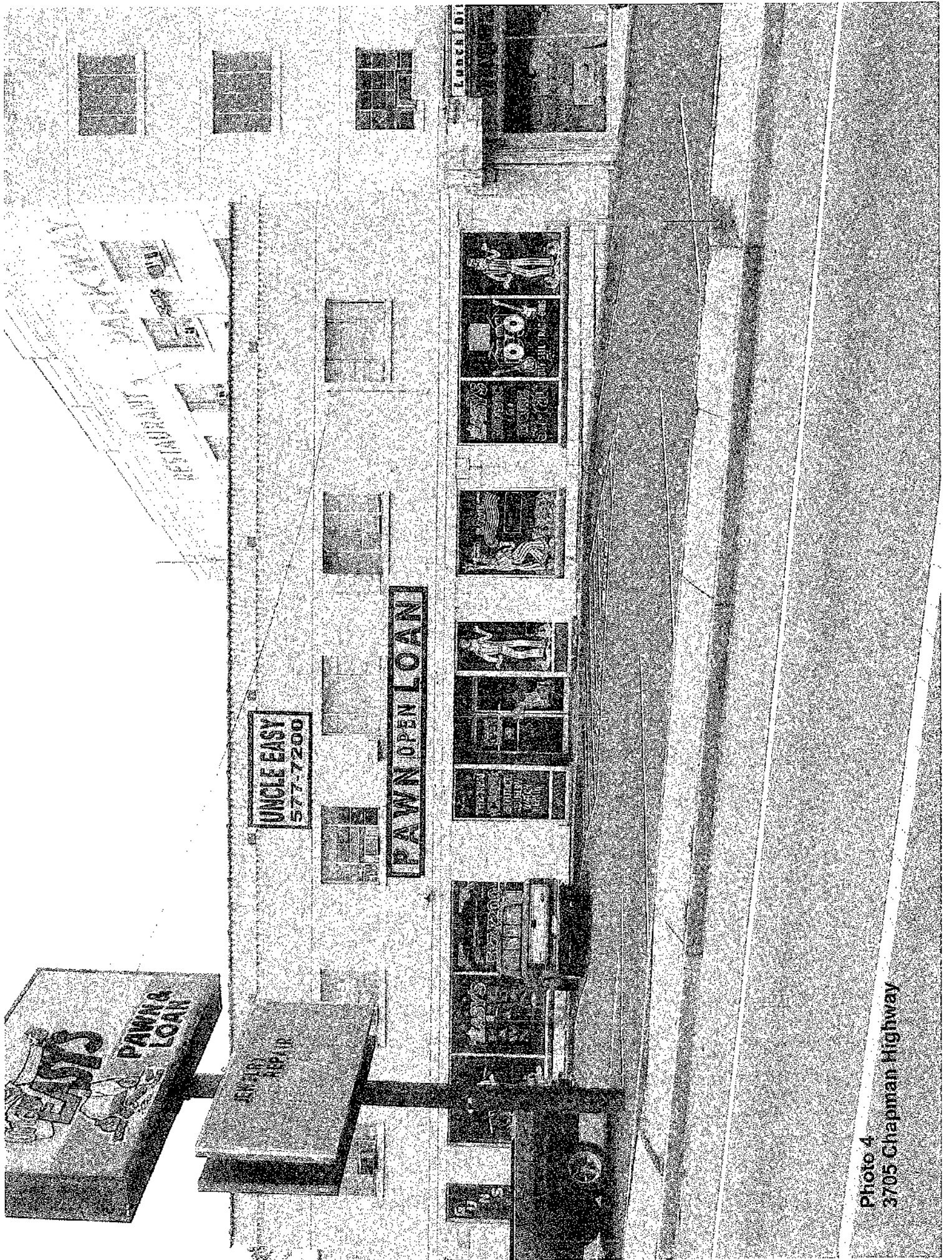


Photo 4
3705 Chapman Highway

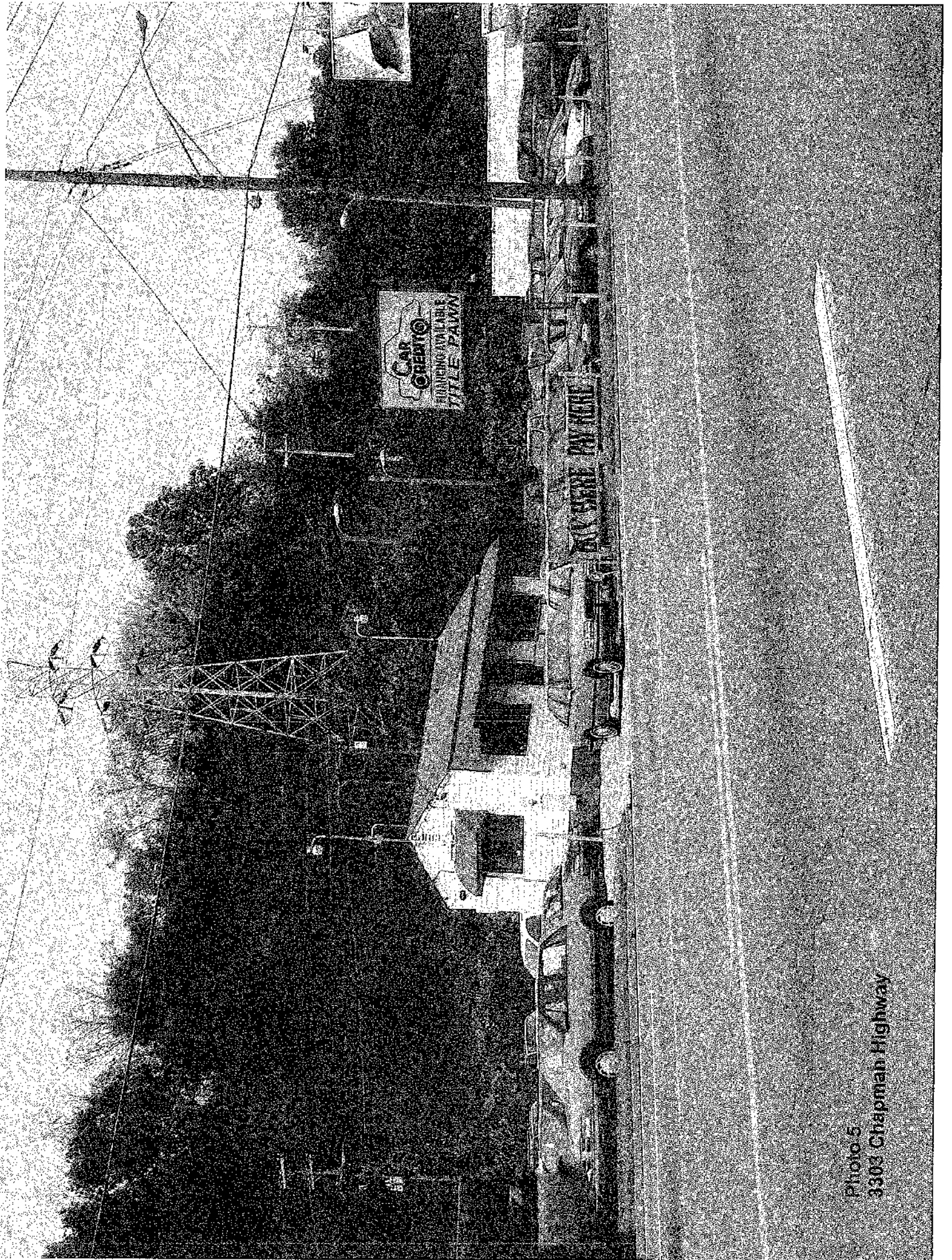


Photo 5
3303 Chapman Highway



Photo 6
2623 Chapman Highway

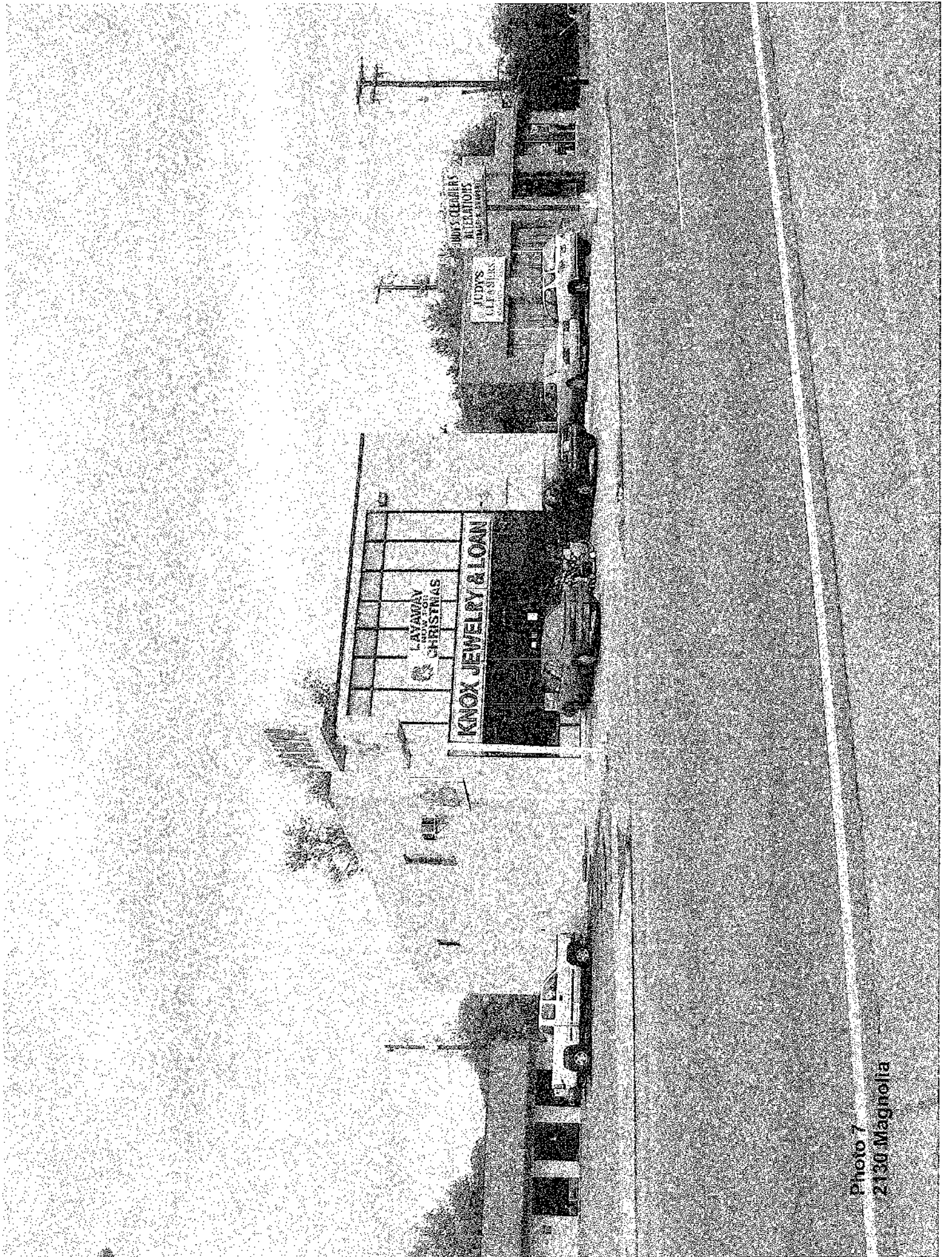


Photo 7
2130 Magnolia

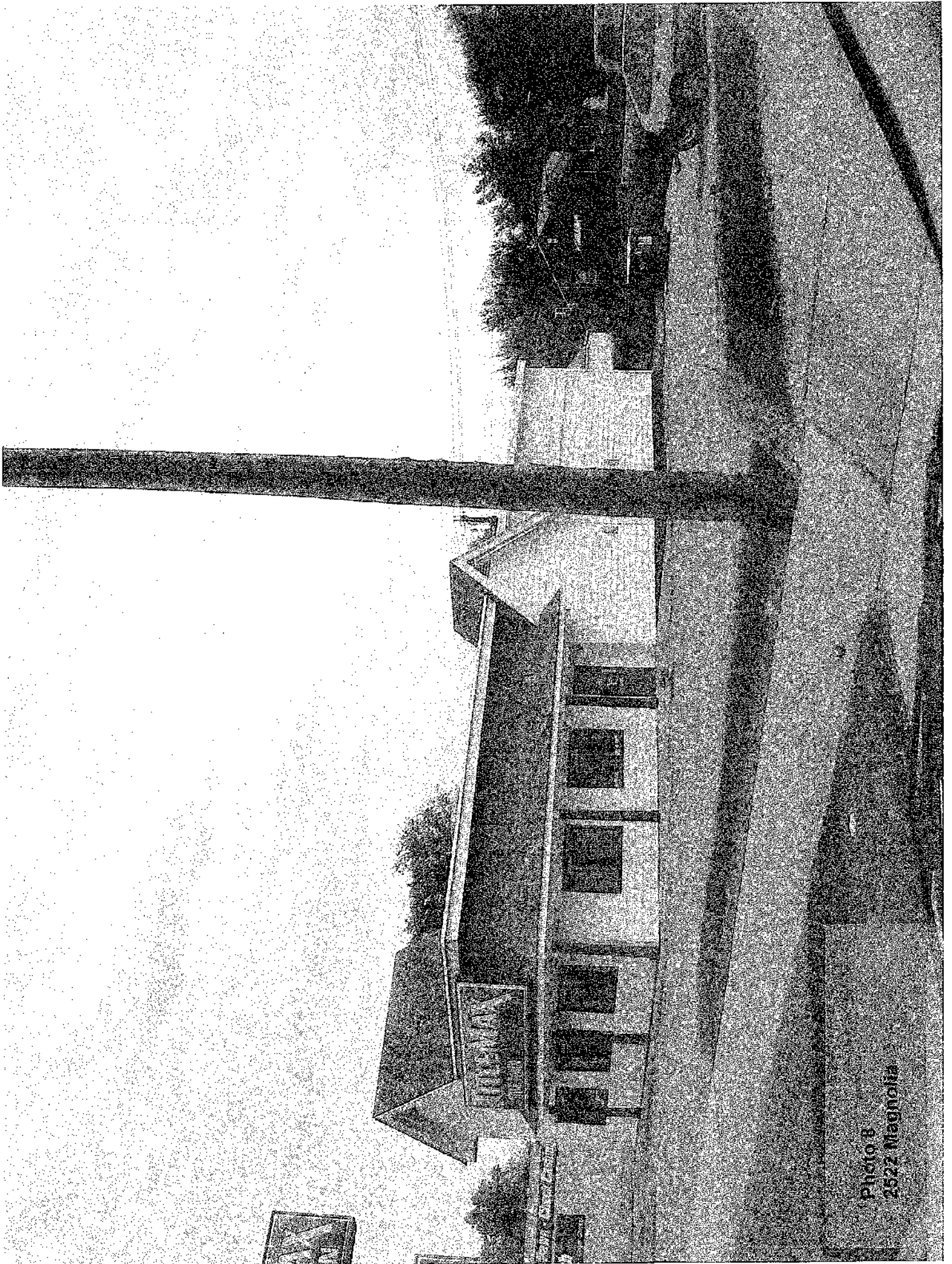


Photo B
2522 Magnolia

**ALWAYS PAYDAY
CHECK ADVANCE**

Title Loans
Available!

Photo 9
5749 Western Avenue



Photo 10
5746 Western Avenue

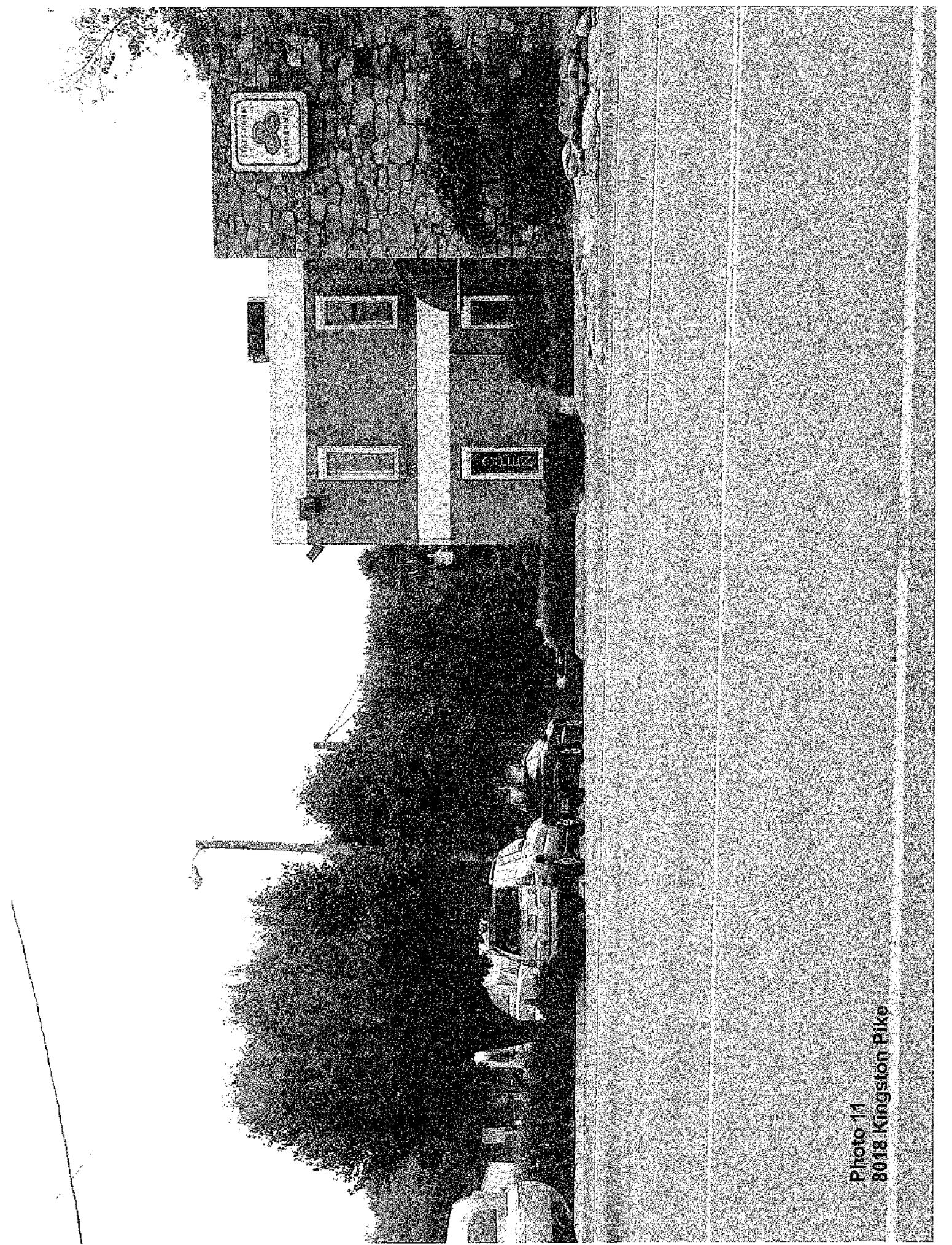


Photo 11
8018 Kingston Pike



The Market

FINEST CORN

CARTILAGE
- 10 DAYS -
50% OFF

079-CKG

Photo 12
7834 Morris Center Way

V6

02A-123

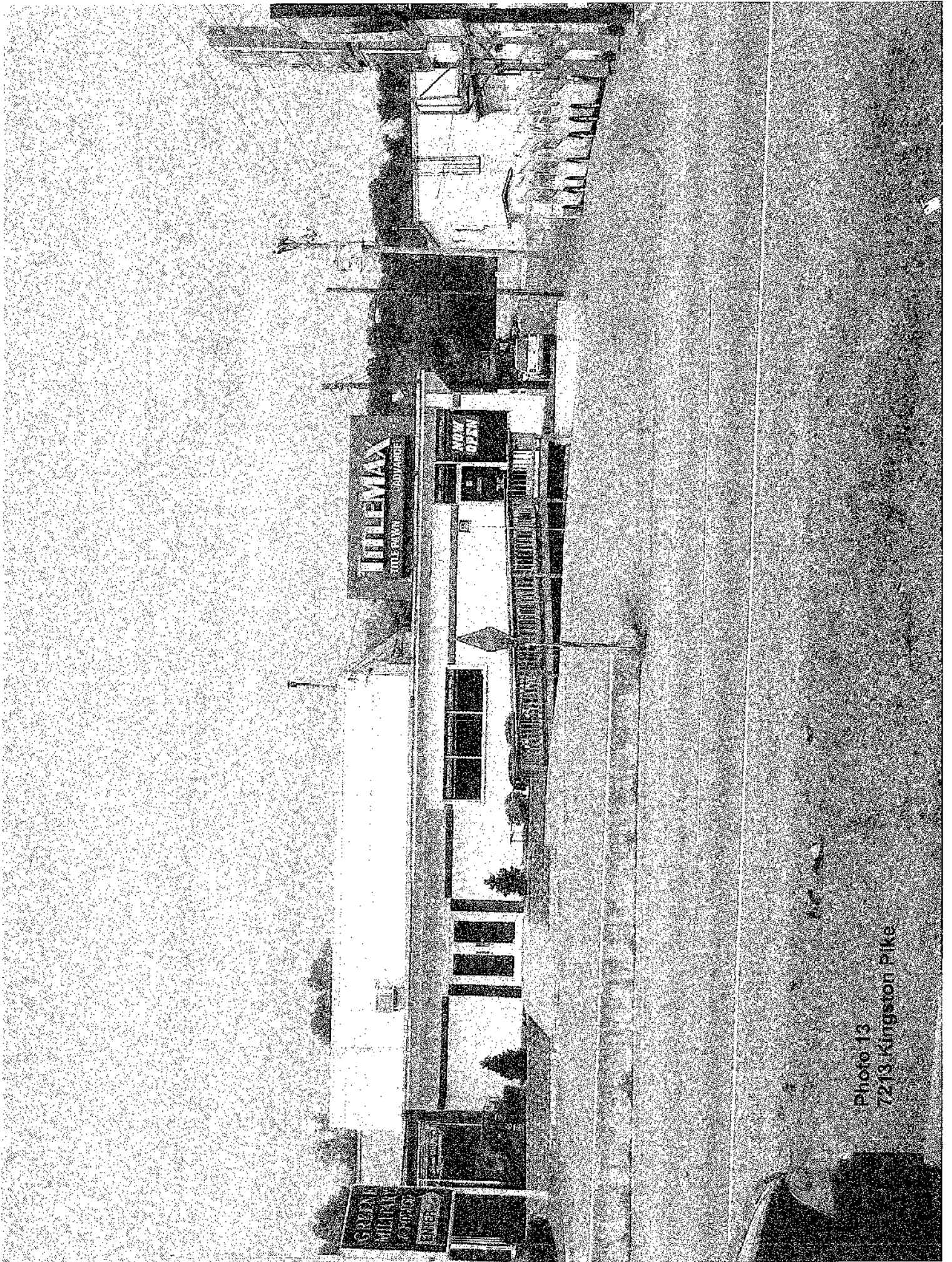


Photo 13
7213 Kingston Pike

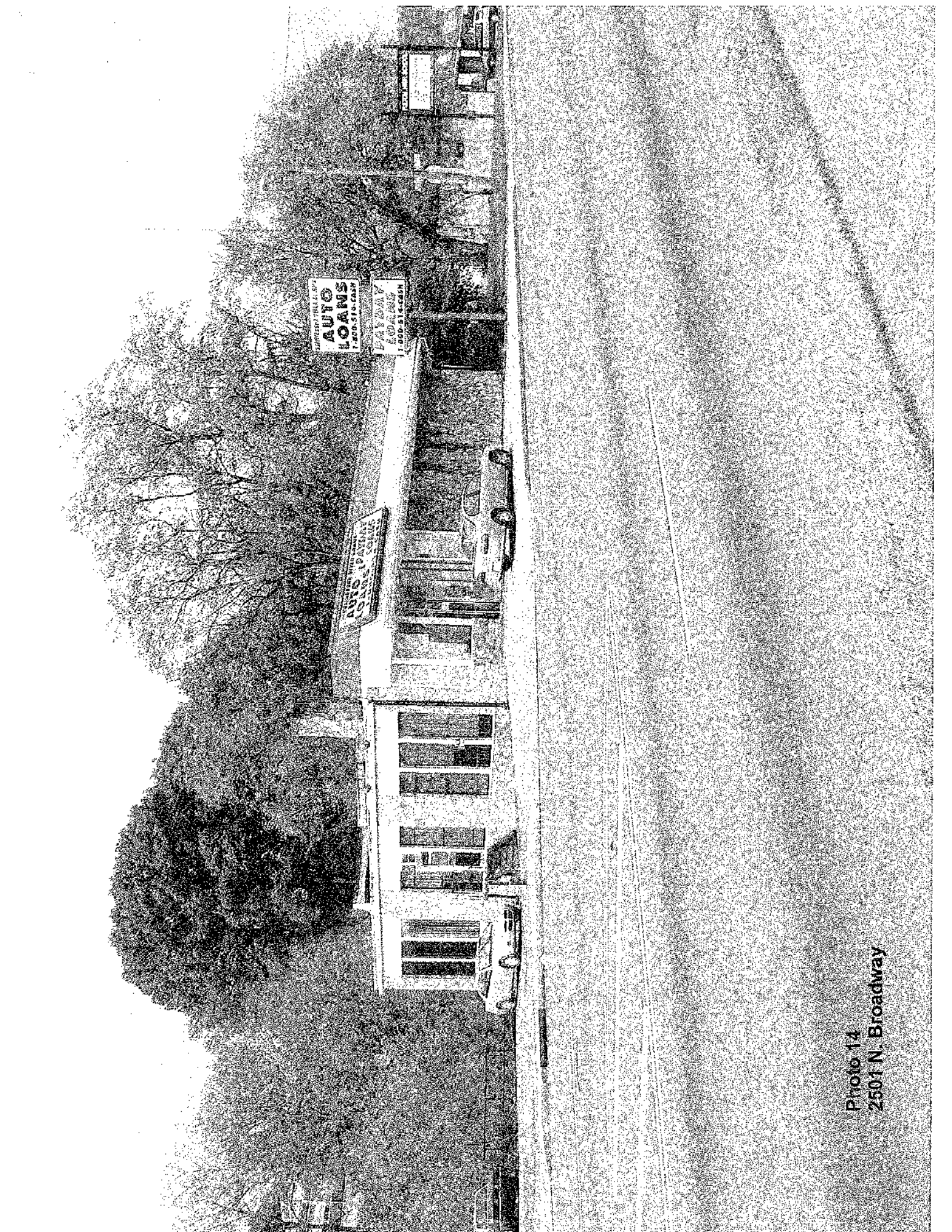


Photo 14
2501 N. Broadway

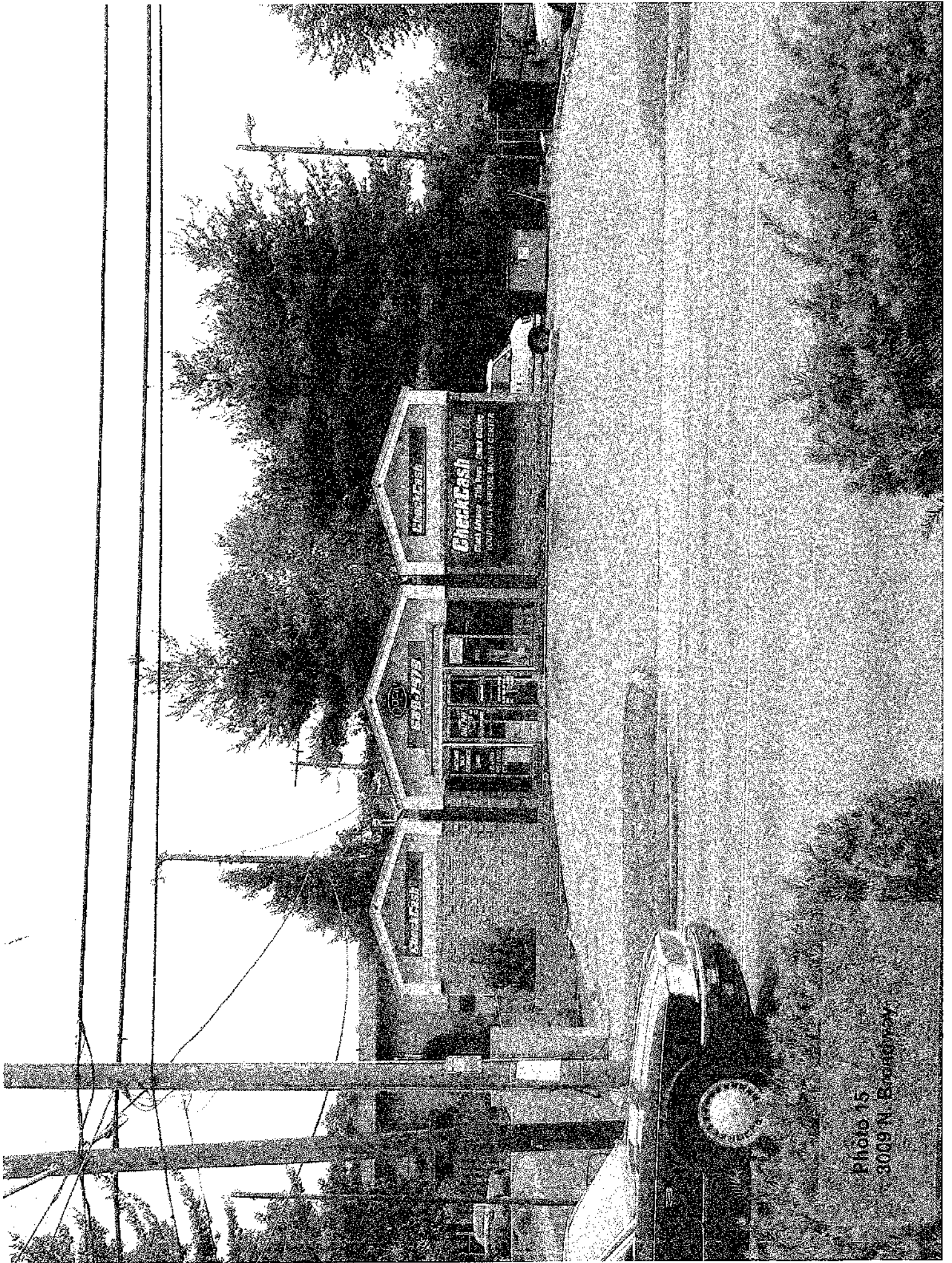


Photo 15
3009 N. Broadway

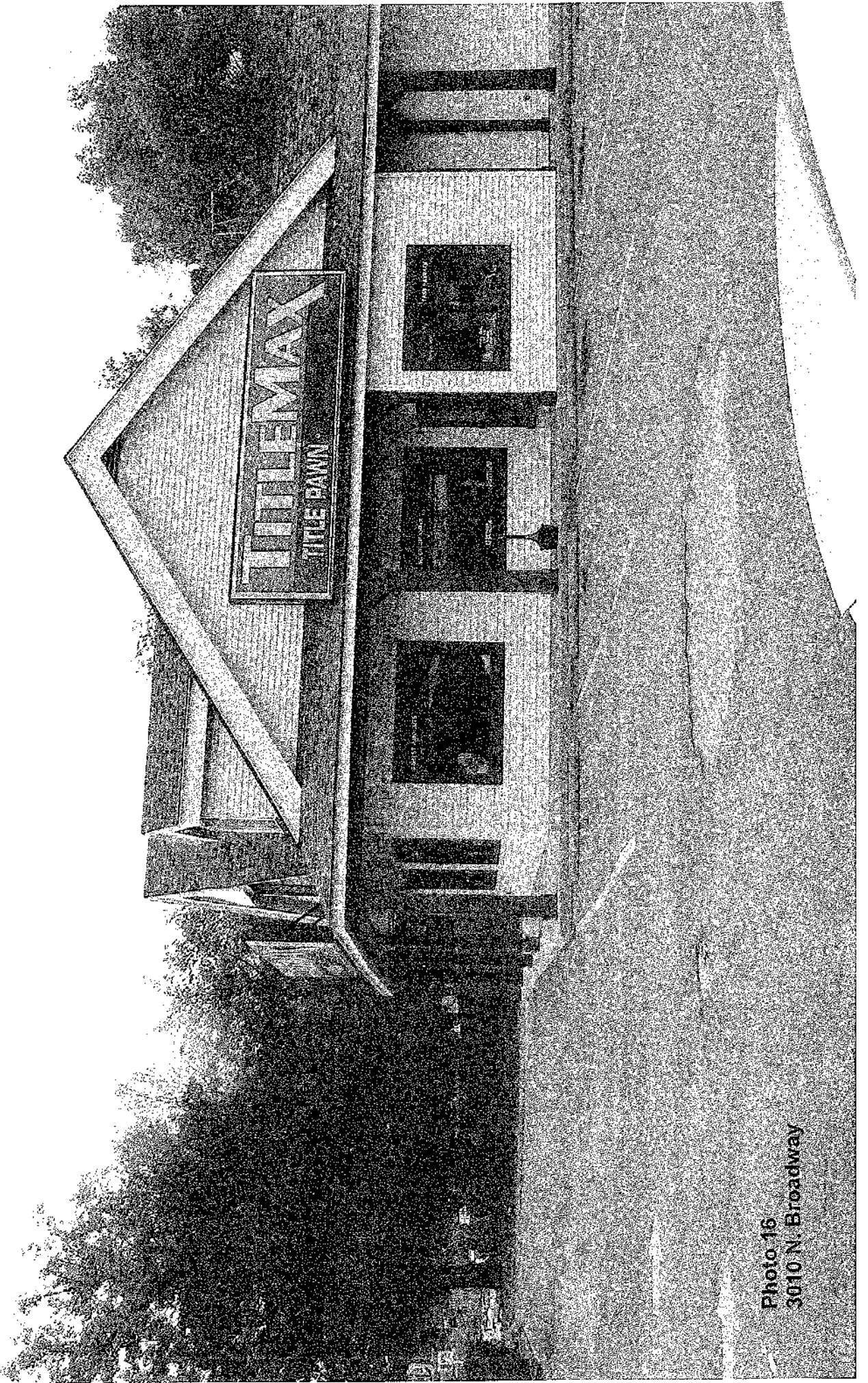


Photo 16
3010 N. Broadway

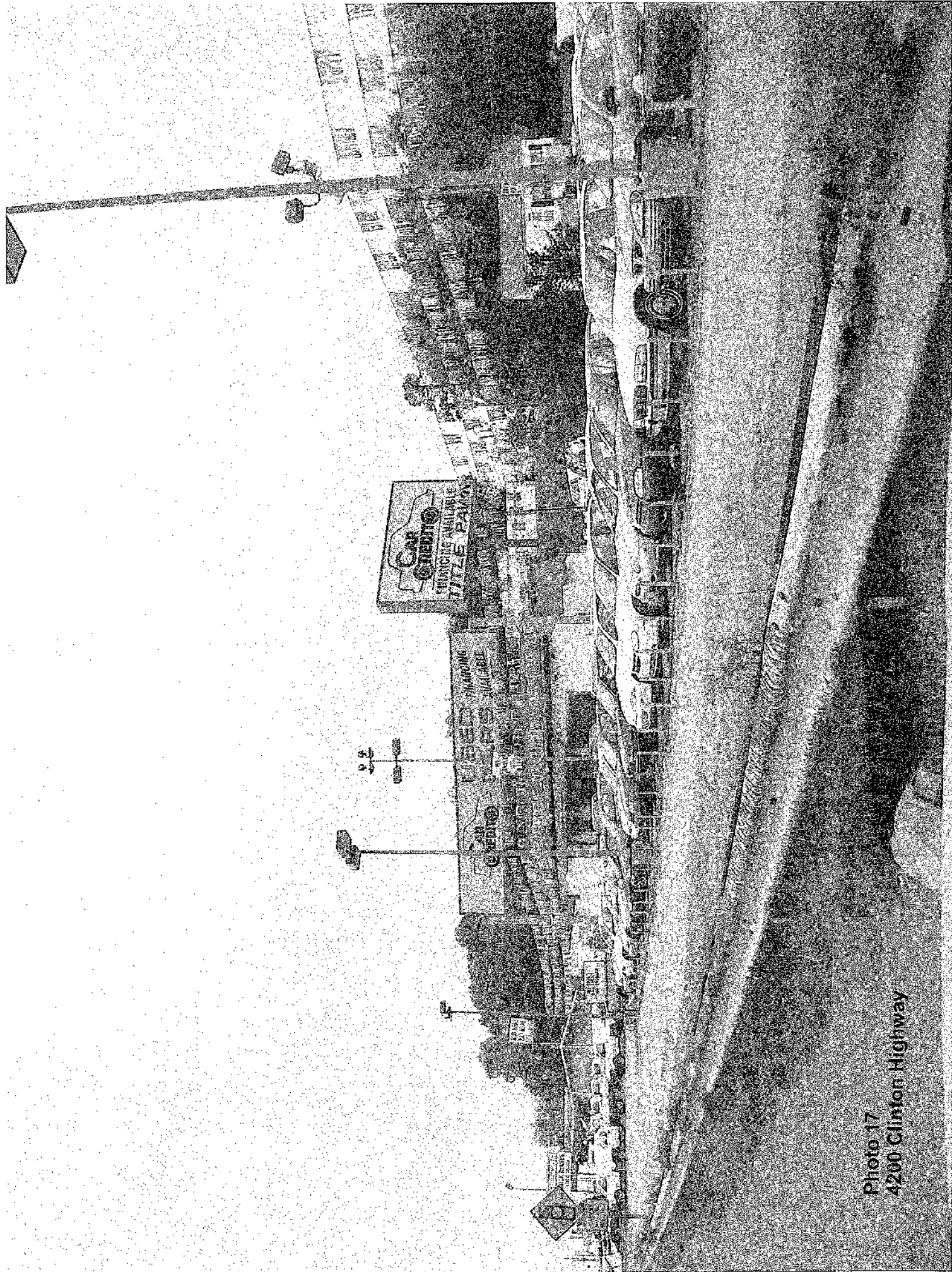


Photo 17
4200 Clinton Highway



Photo 18
4903 Clinton Highway



Photo 19
5100 Clinton Highway

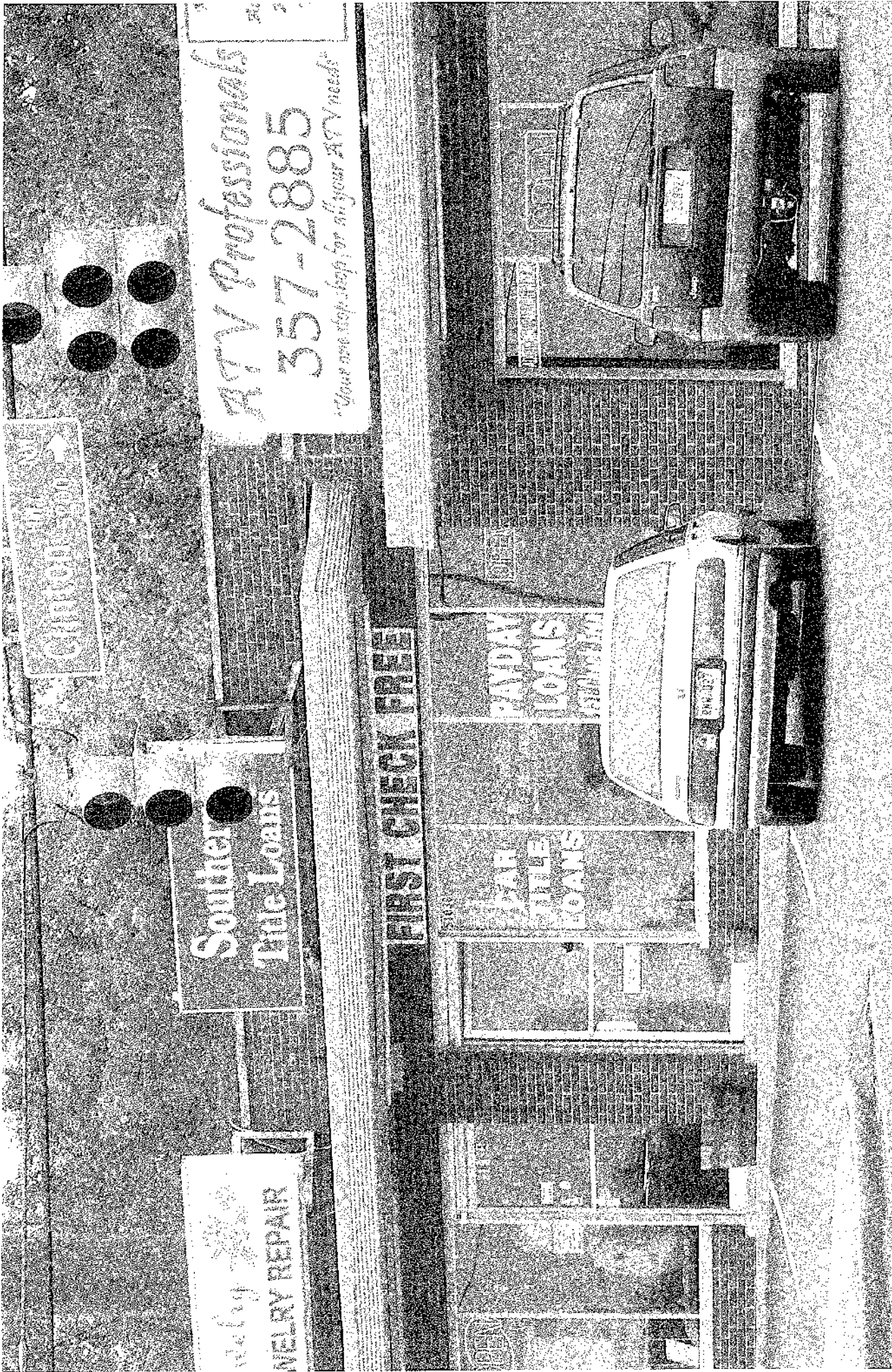


Photo 20
5103 Clinton Highway

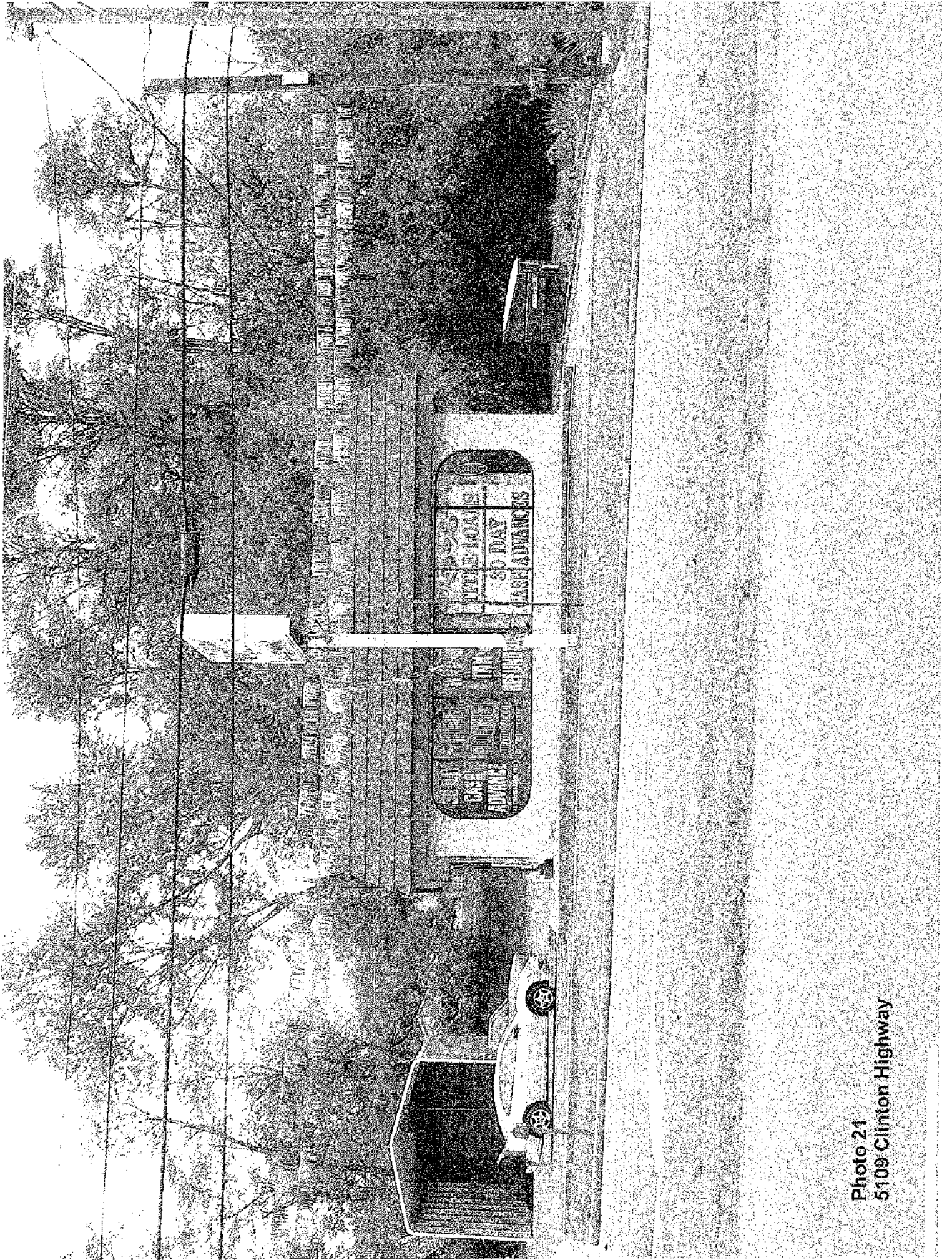


Photo 21
5109 Clinton Highway

WILLEM MAX
TITLE PAWN

Photo 22
5300 Clinton Highway



Photo 23
3900 Chapman Highway

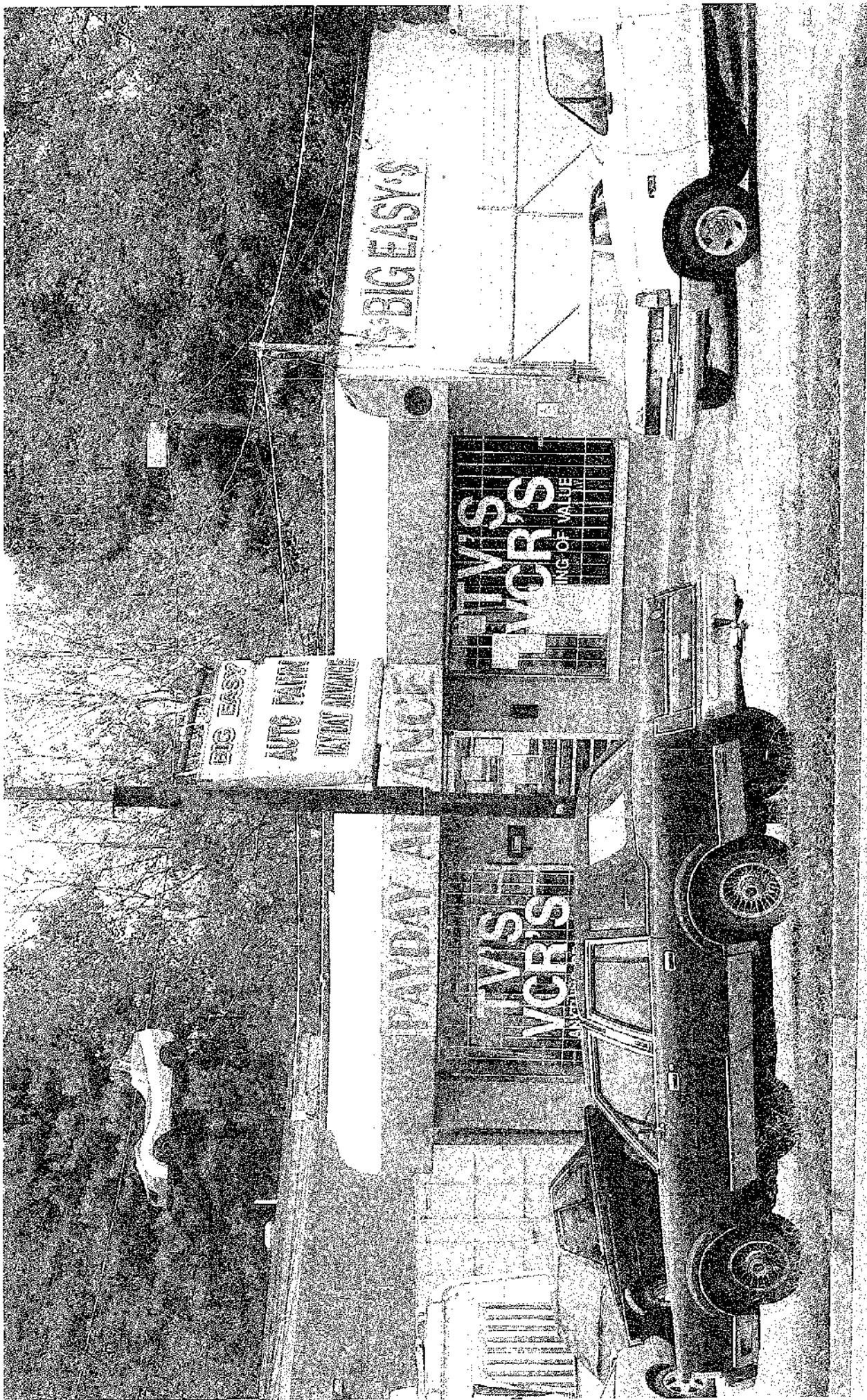


Photo 24
3900 Chapman Highway

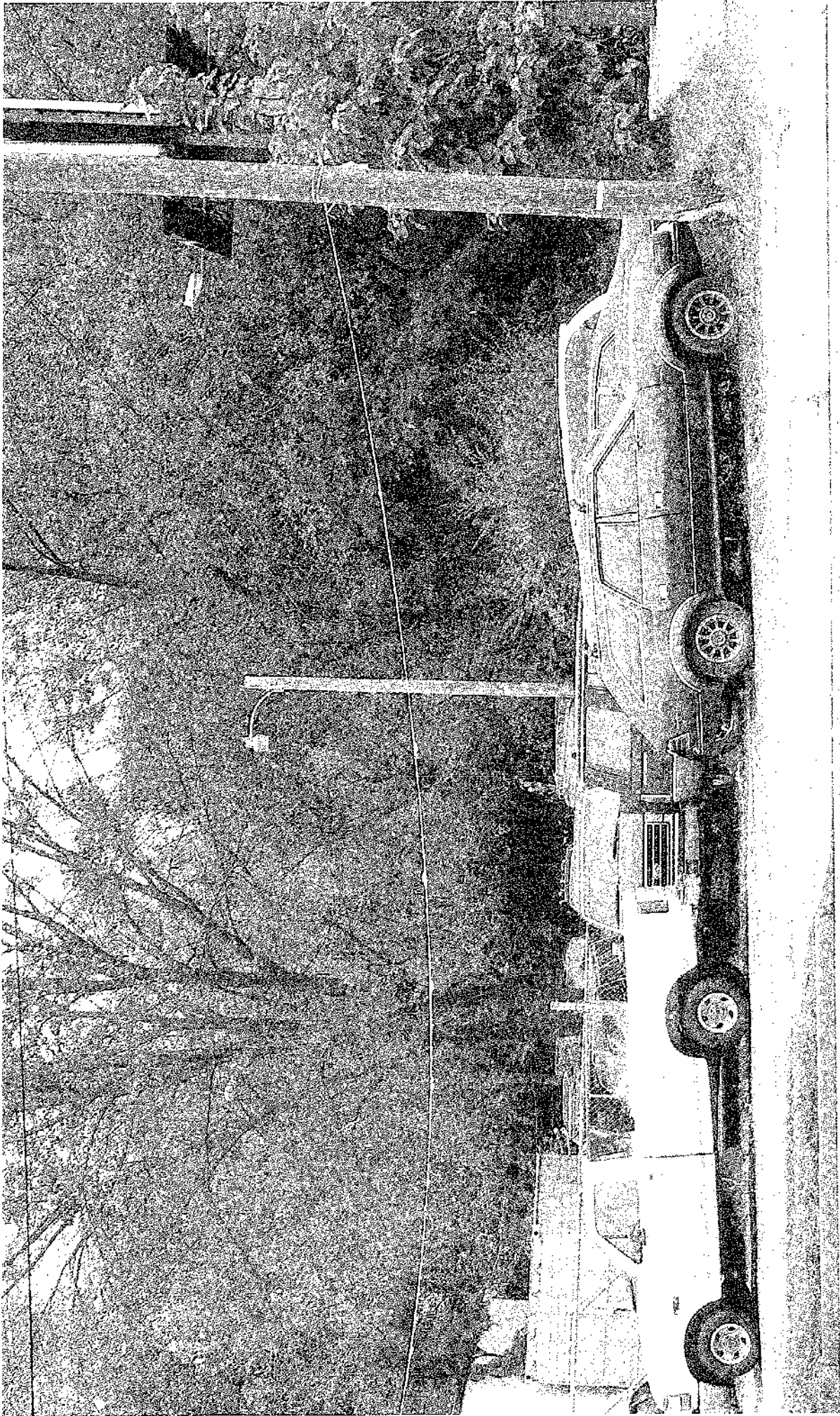


Photo 25
3900 Chapman Highway

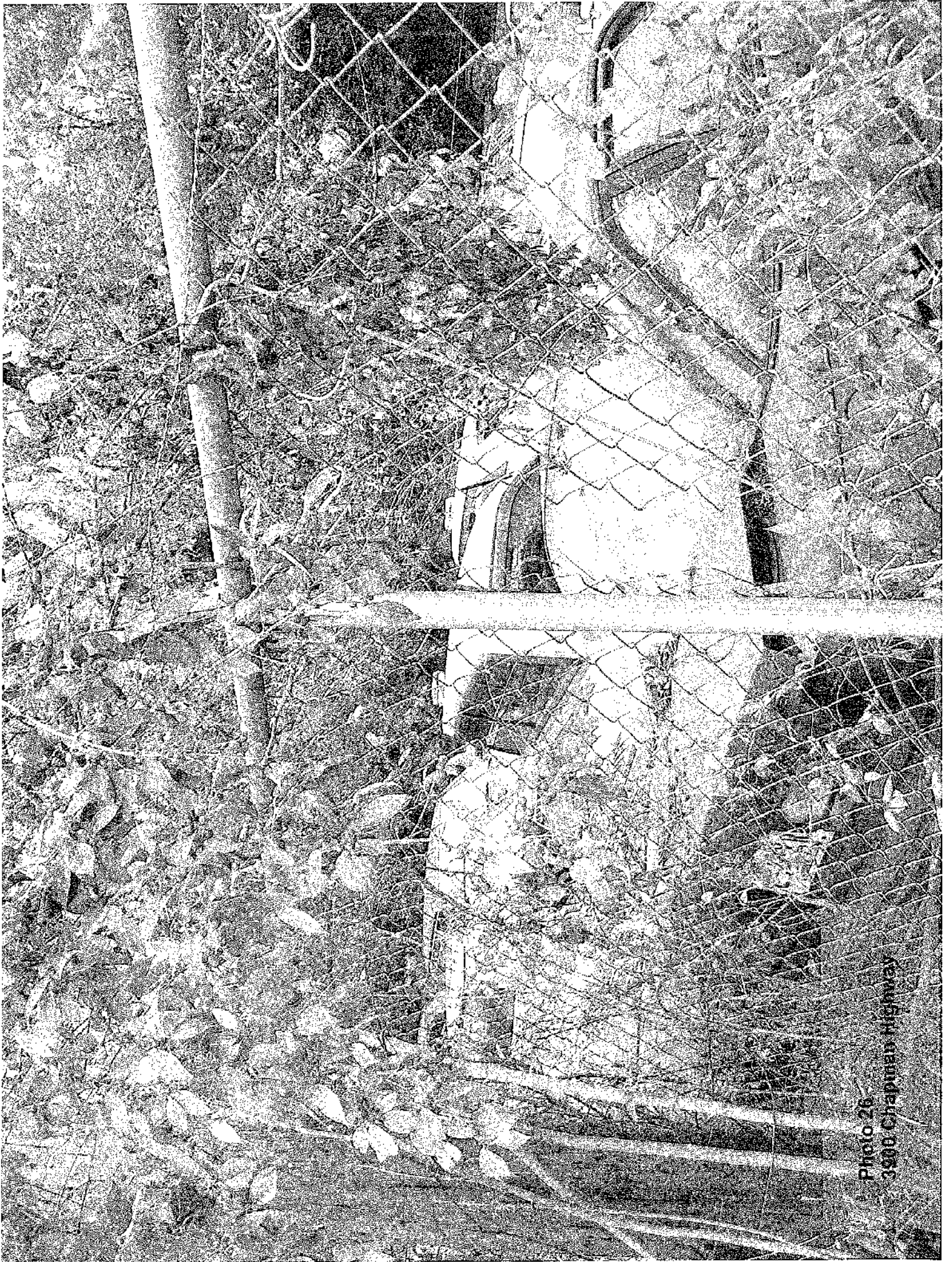


Photo 26
3900 Chapman Highway



Photo 27
3900 Chaco Highway



Photo 28
3900 Chapman Highway



Photo 29
6145 Clinton Highway



Photo 30
6147 Clinton Hwy

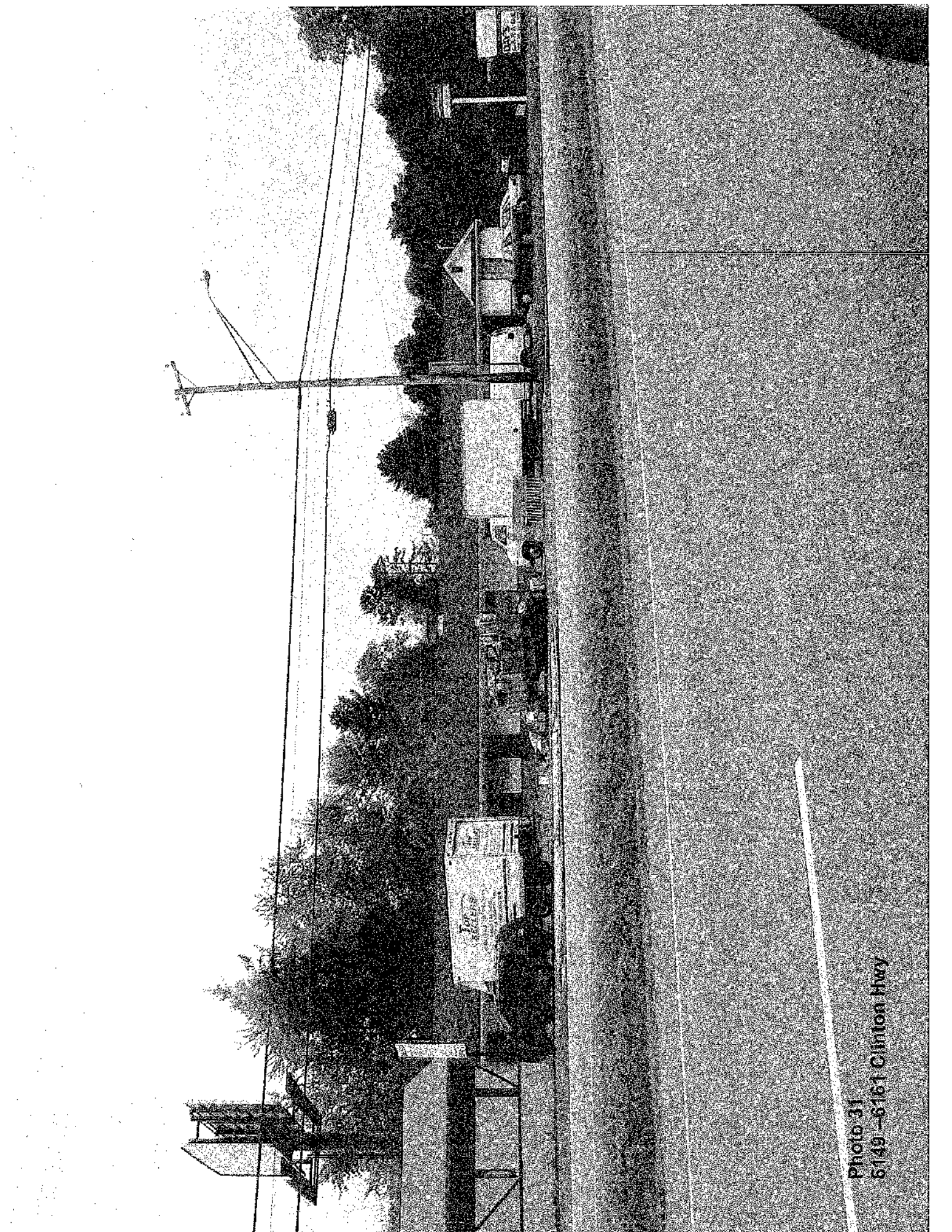


Photo 31
6149 - 6161 Clinton Hwy

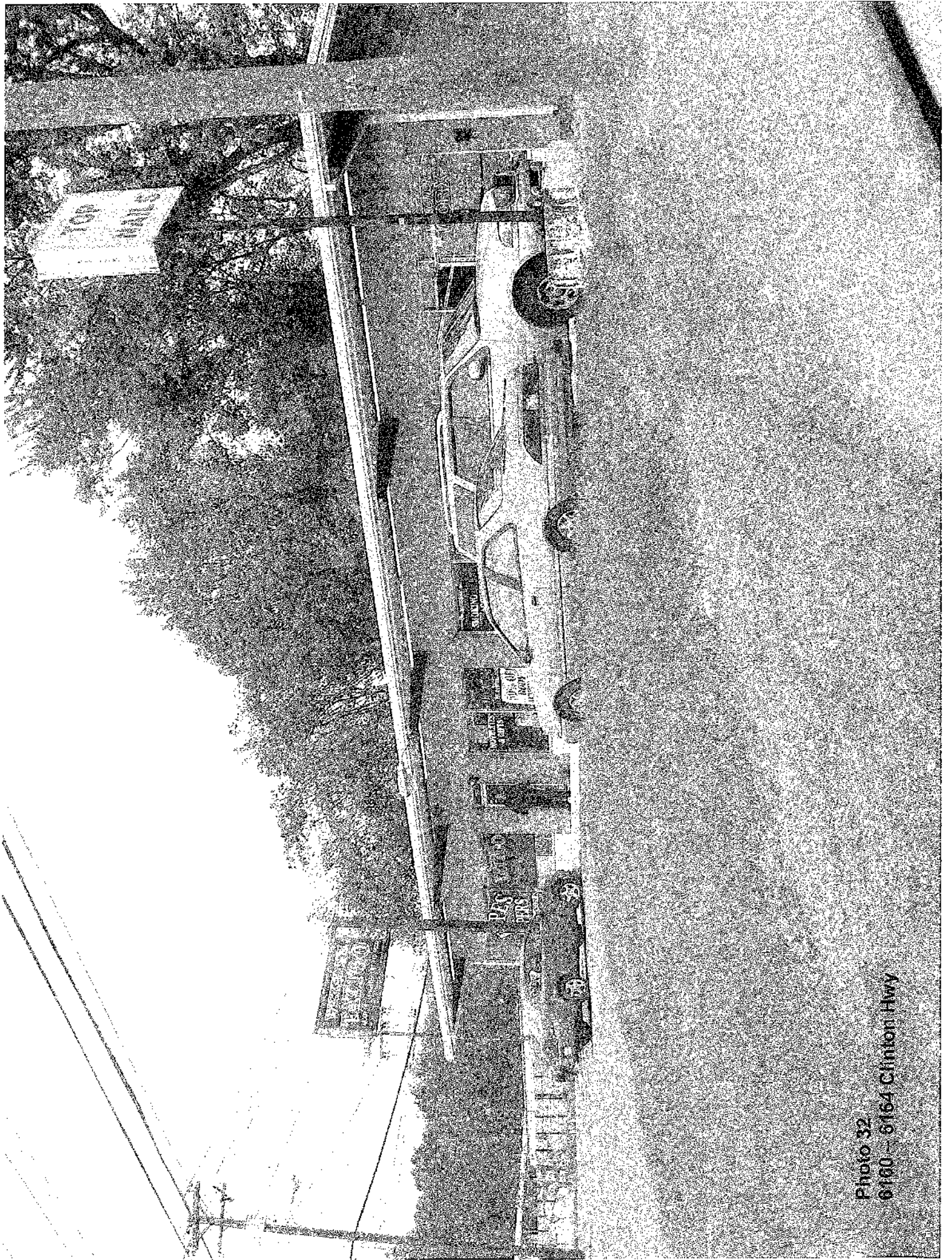


Photo 32
6160 - 6164 Clinton Hwy

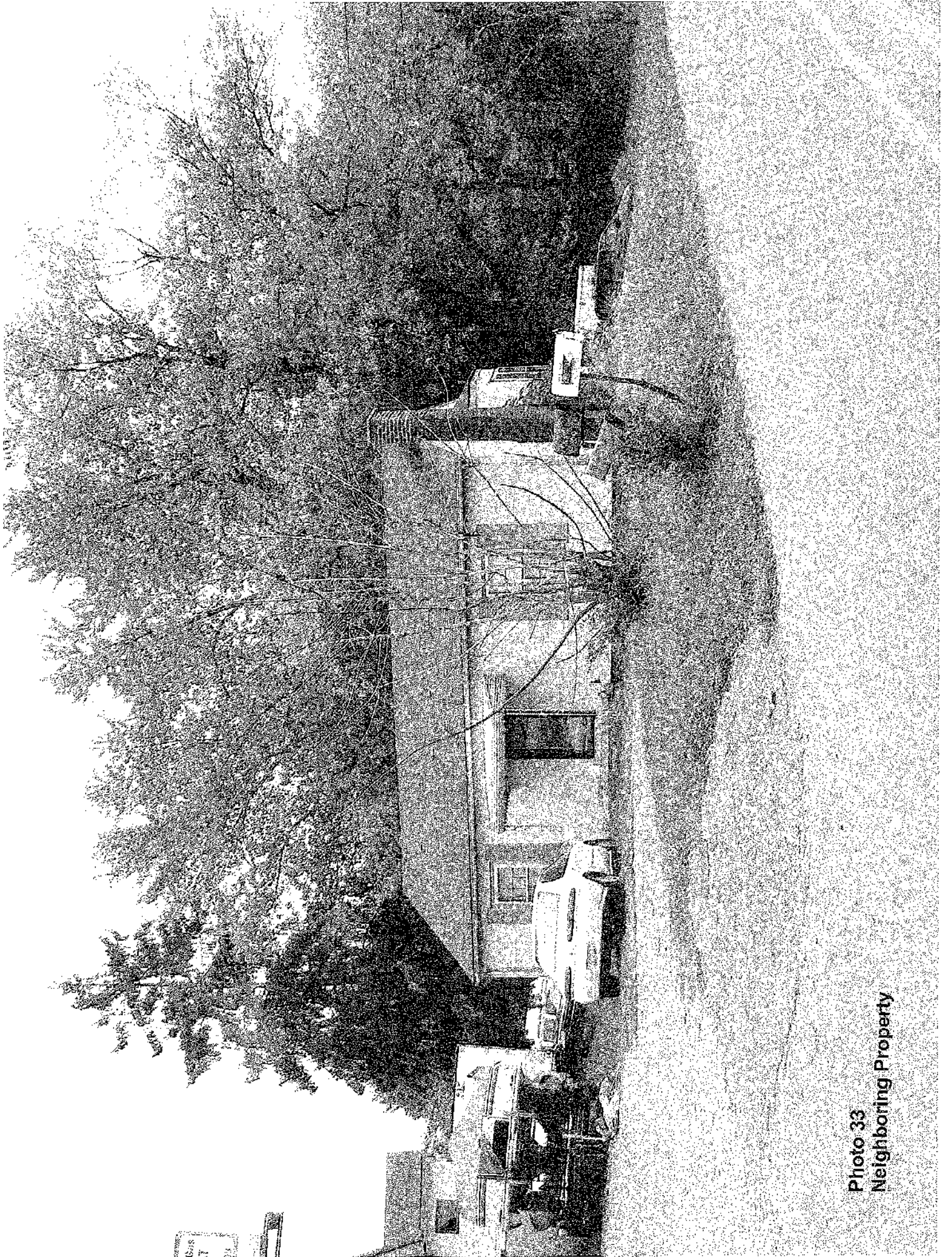


Photo 33
Neighboring Property

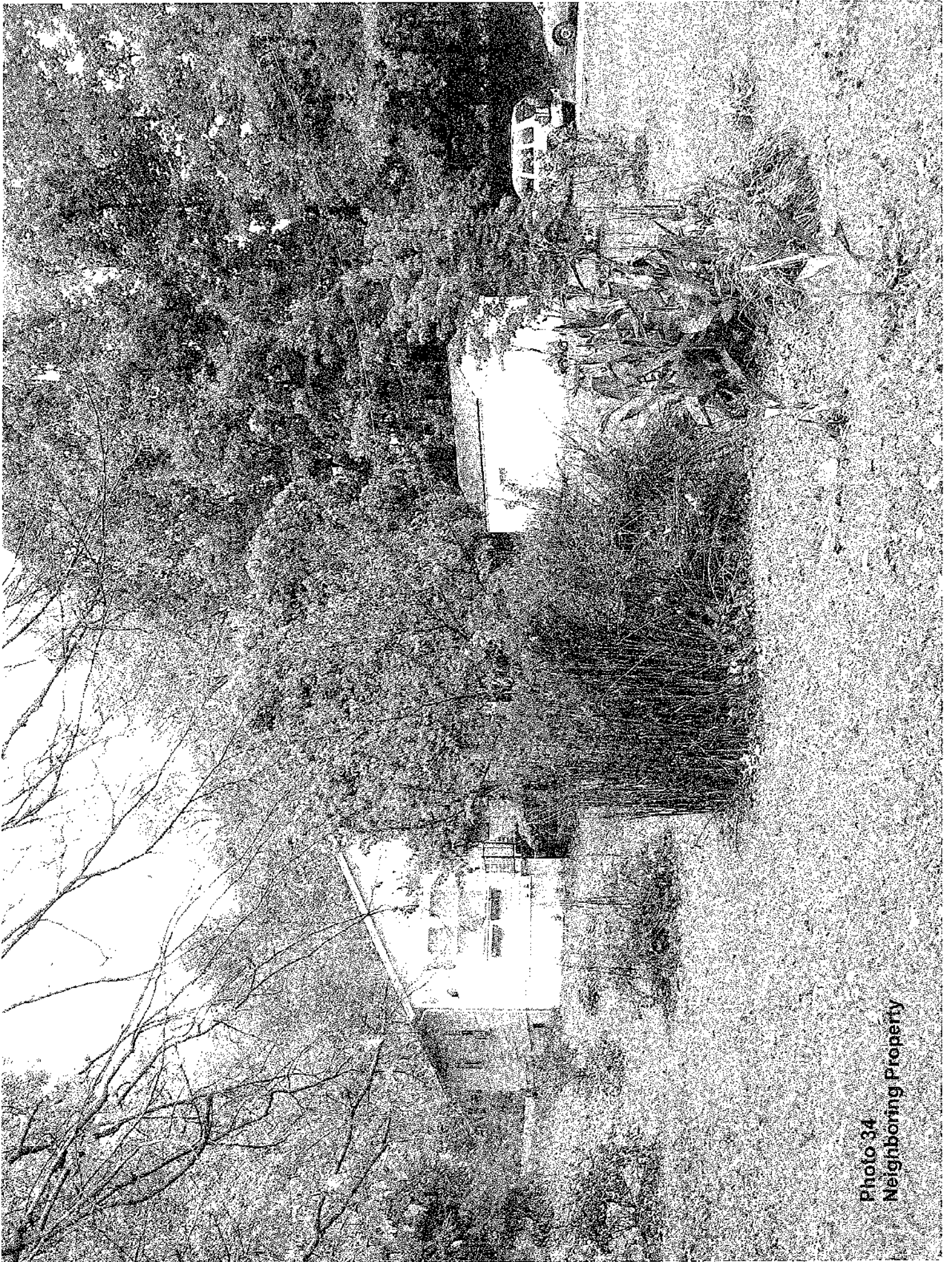


Photo 34
Neighboring Property

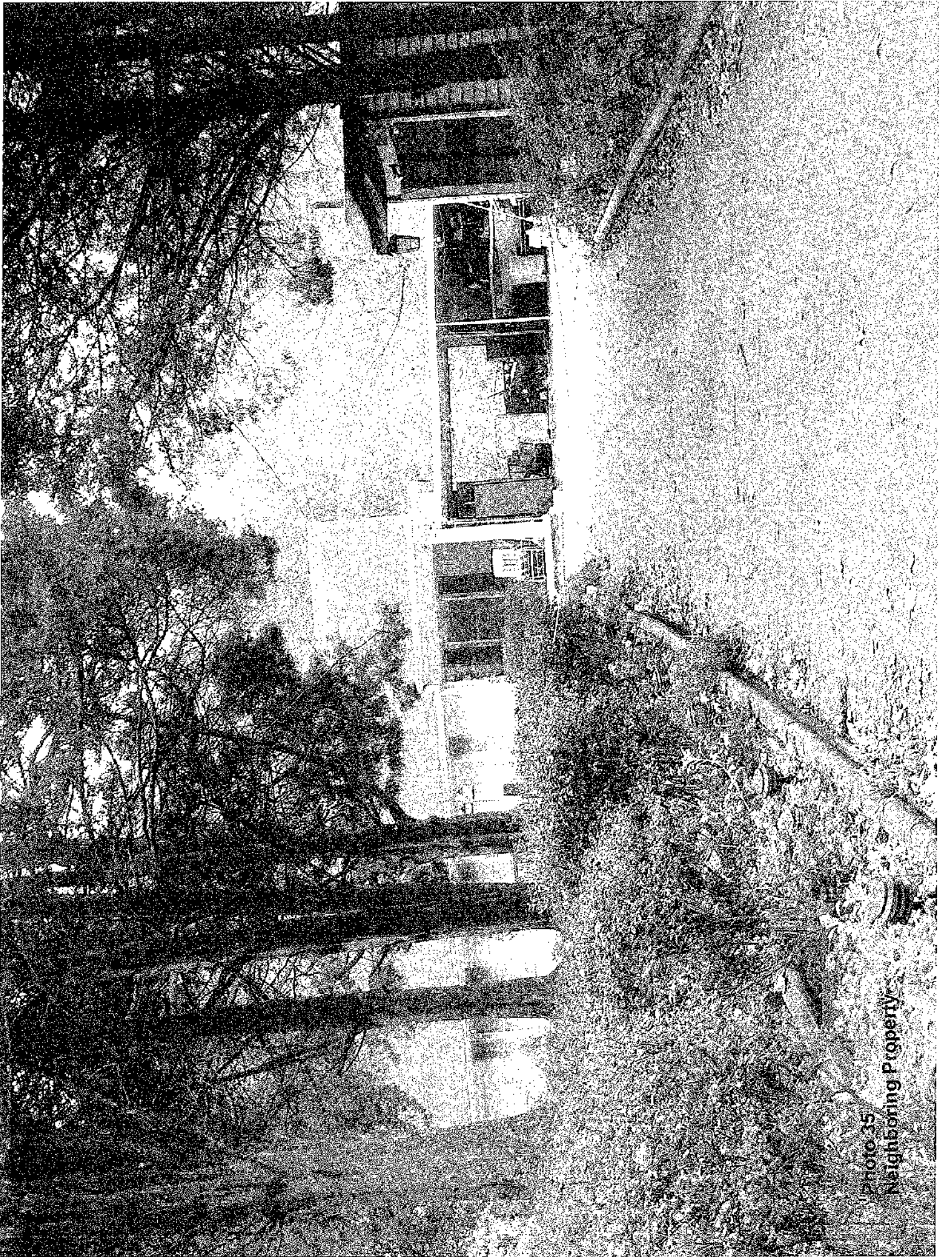


Photo 35
Neighboring Property

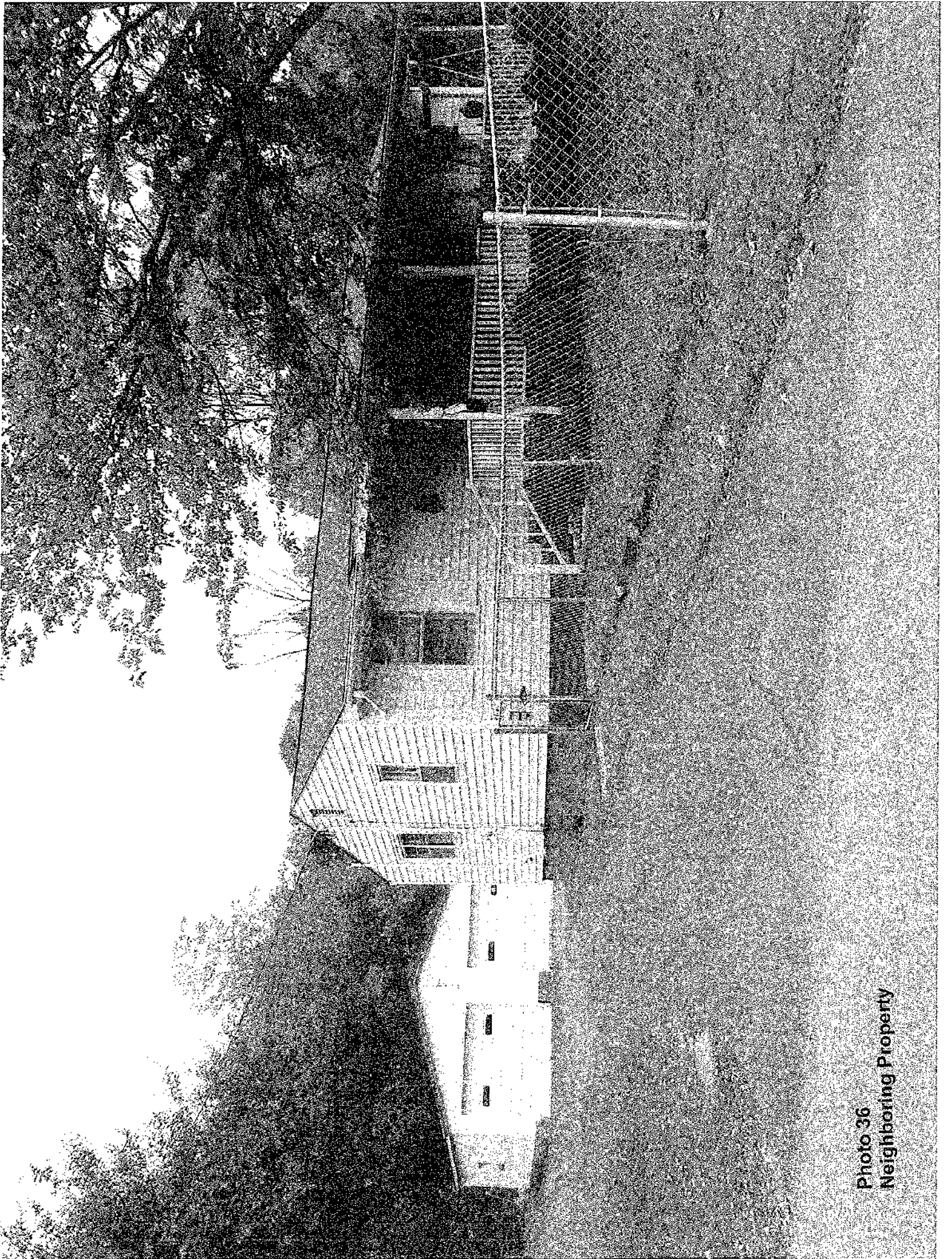


Photo 36
Neighboring Property

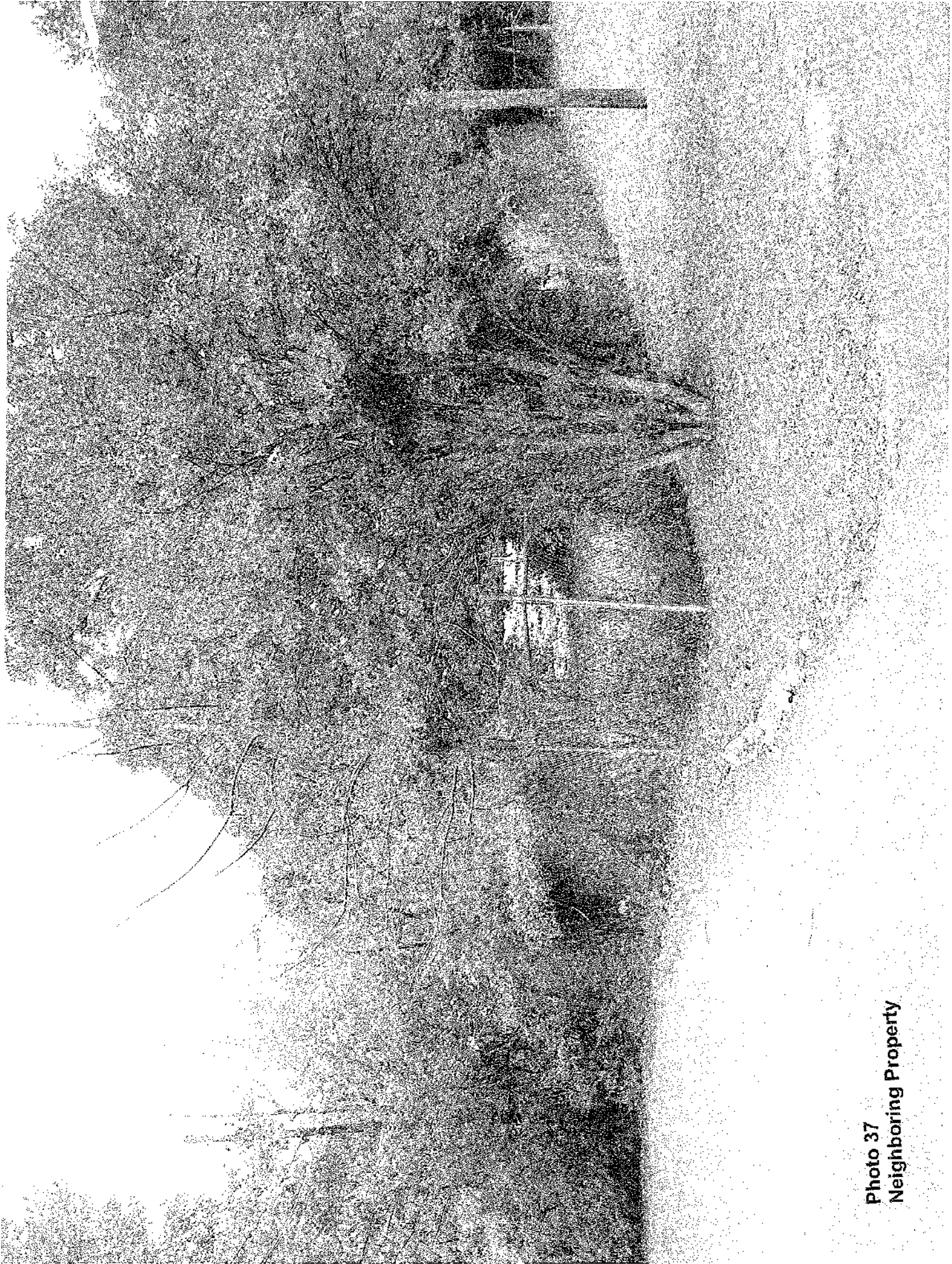


Photo 37
Neighboring Property



Photo 38
Neighboring Property

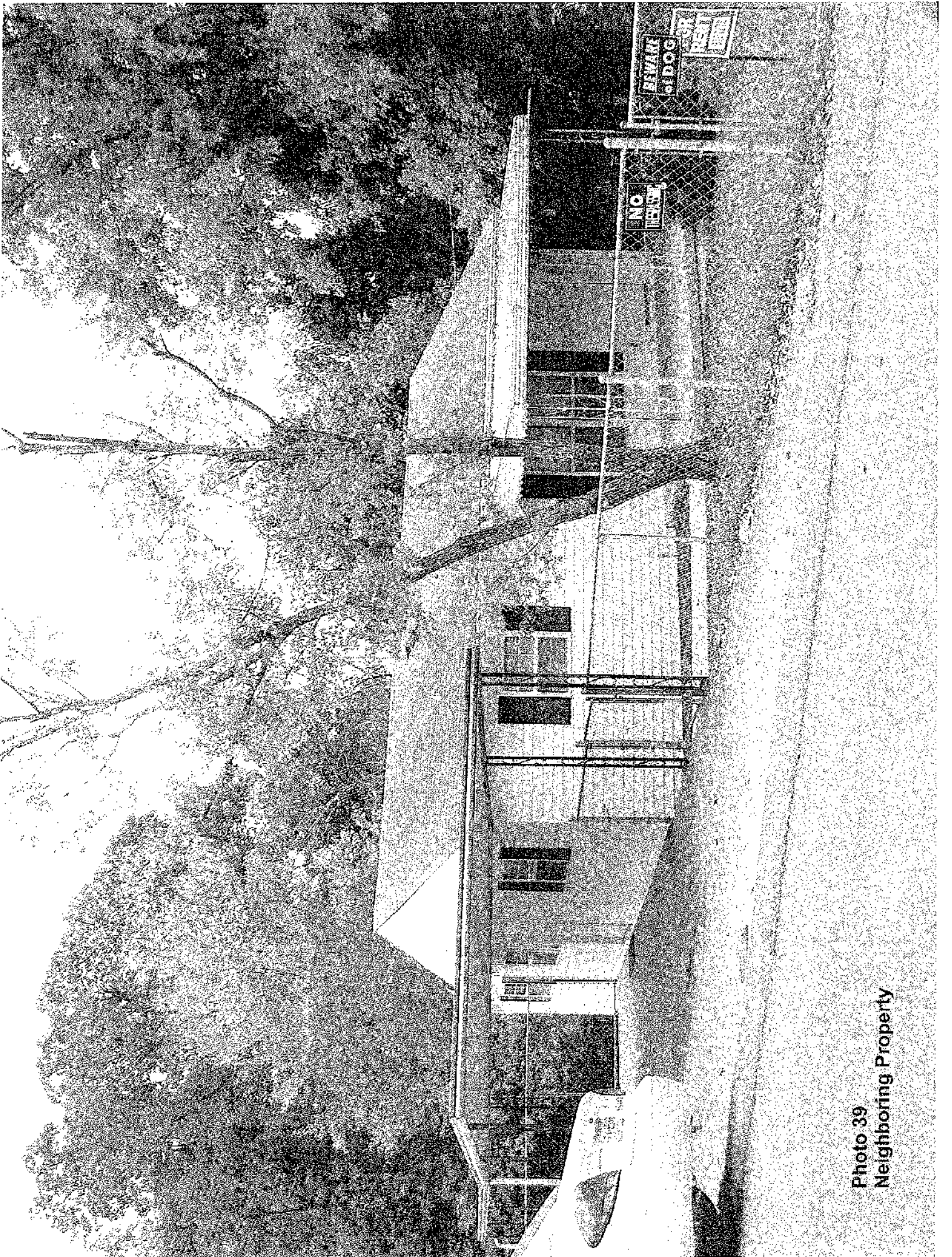


Photo 39
Neighboring Property



Photo 40
Neighboring Property

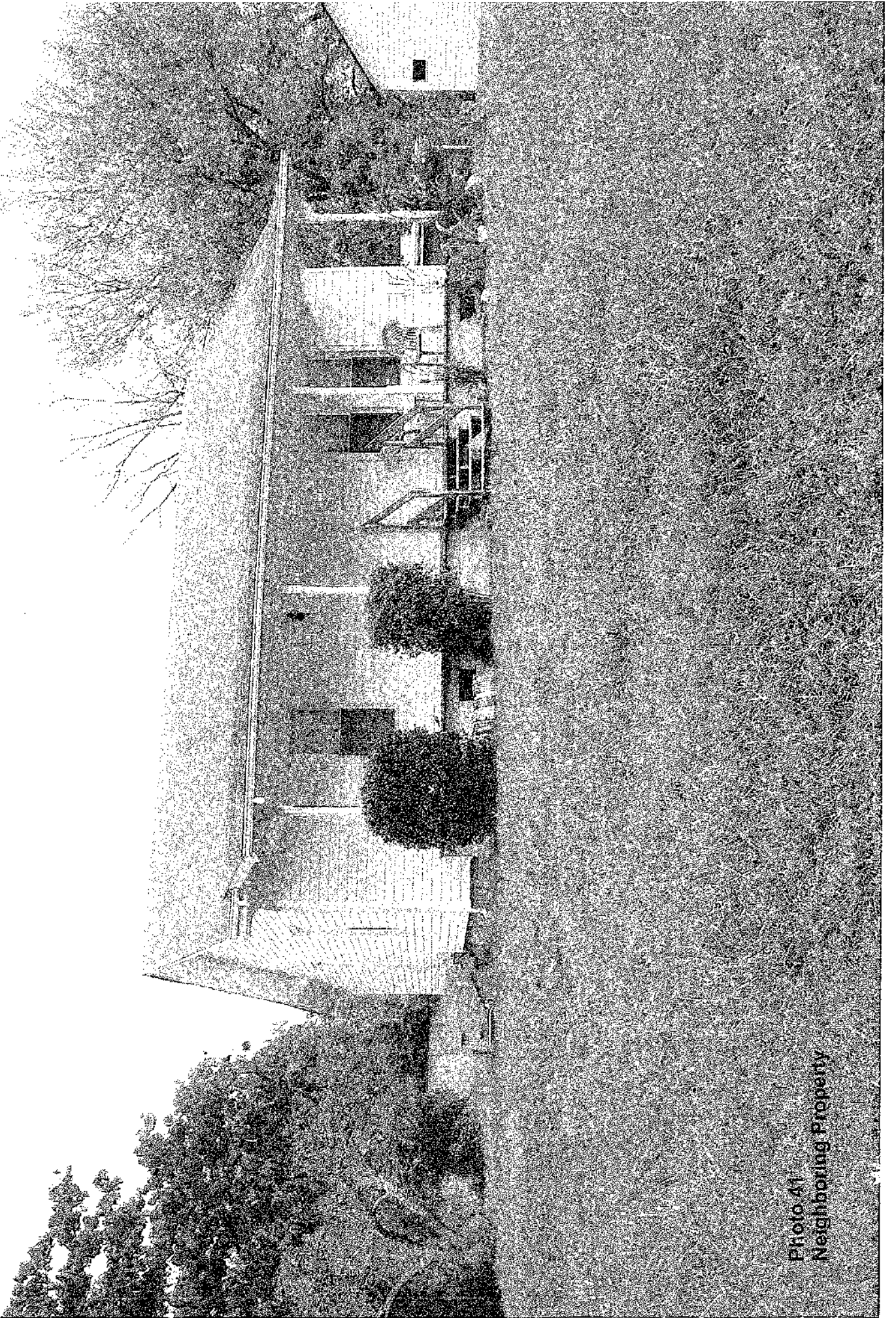


Photo 41
Neighboring Property

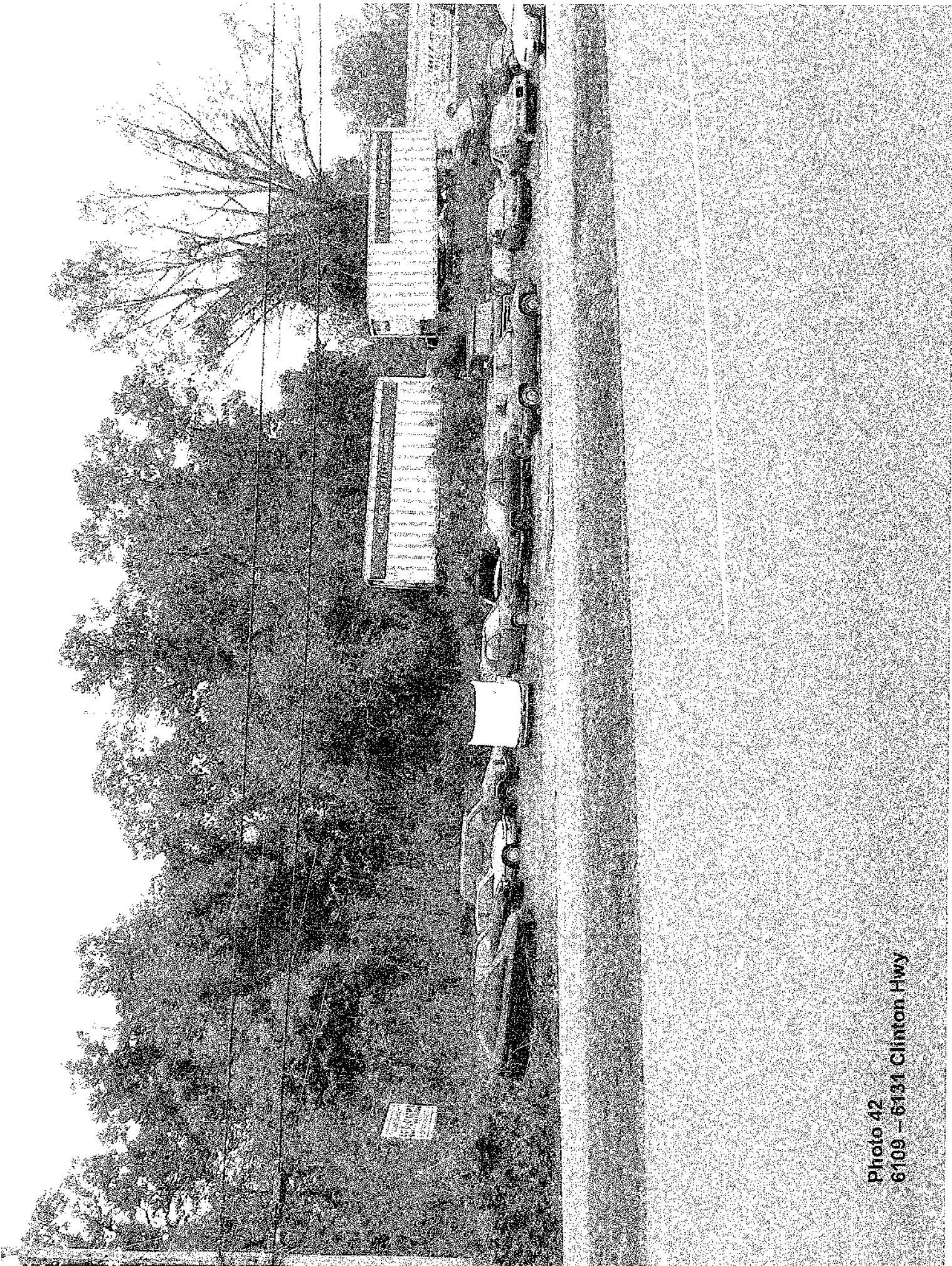


Photo 42
6109 - 6131 Clinton Hwy



Photo 43
6109 - 6131 Clinton Hwy



Photo 44
6109 - 6131 Clinton Hwy

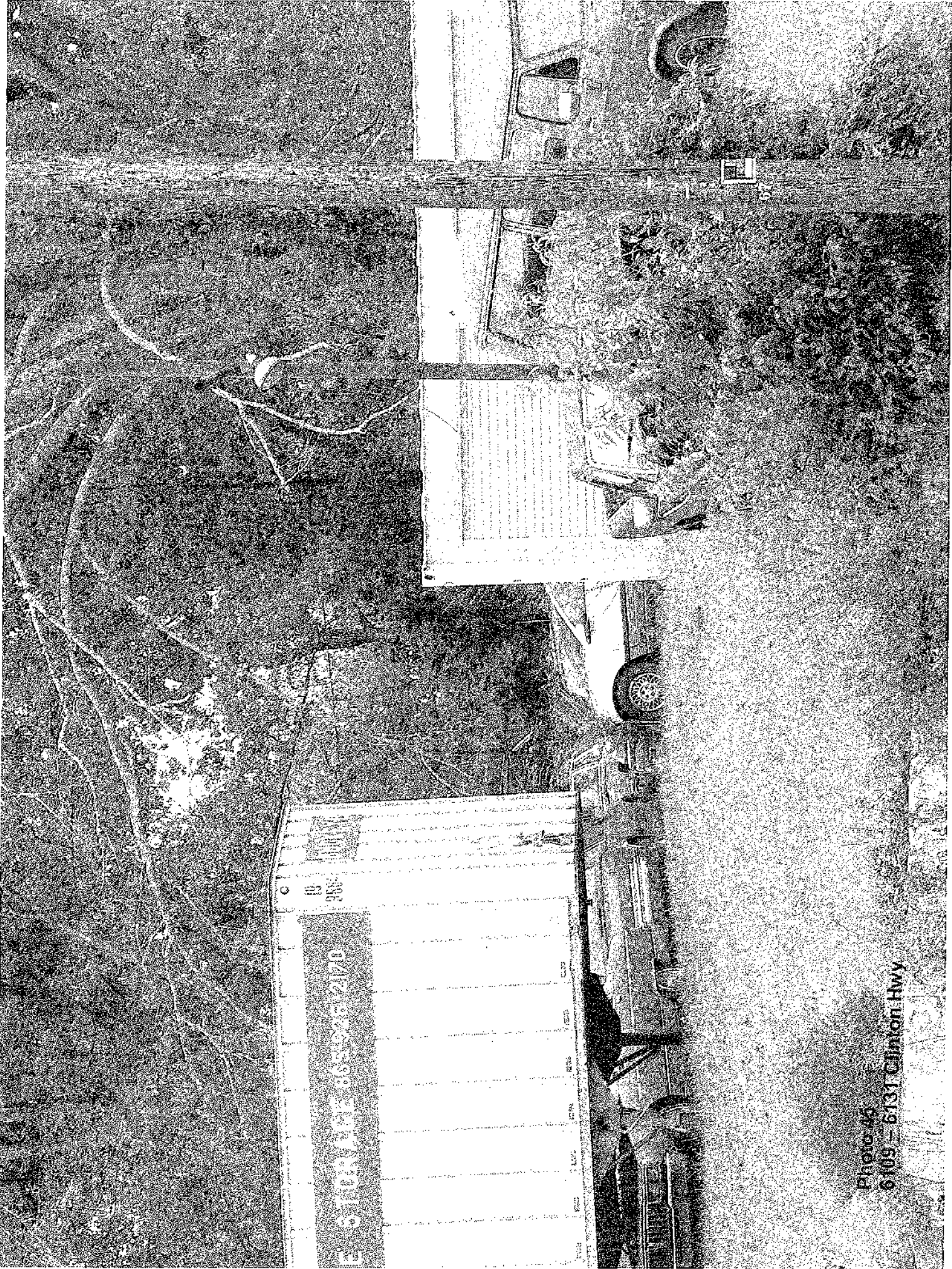


Photo 45
6109 - 6131 Clinton Hwy



Photo 46
6109 - 6131 Clinton Hwy

TENNESSEE
AUTO & TRUCK
BROKERS
888-5194

Photo 47
6109 - 6131 Clinton Hwy

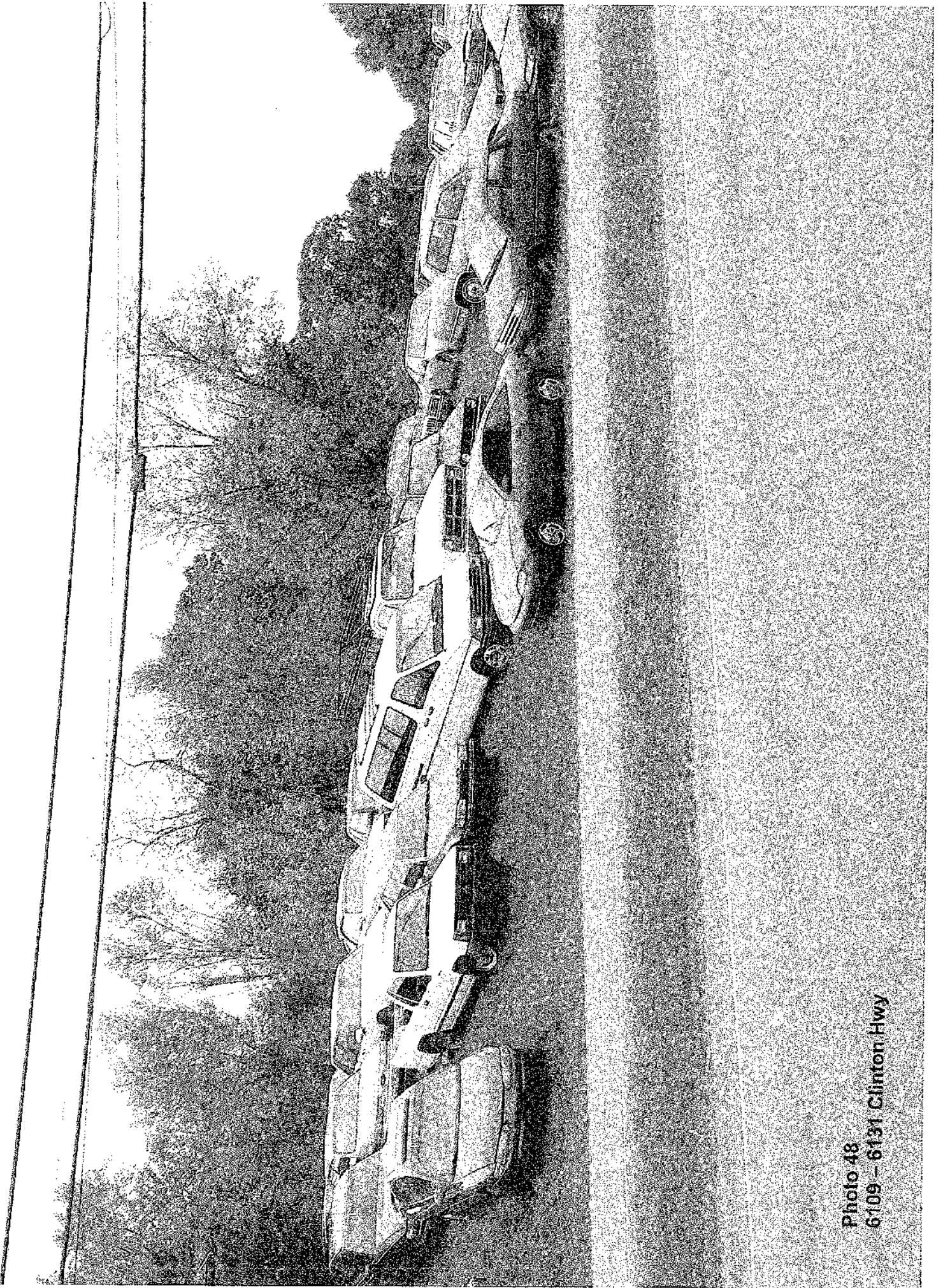


Photo 48
6109 - 6131 Clinton Hwy



Photo 49
6109 - 6131 Clinton Hwy

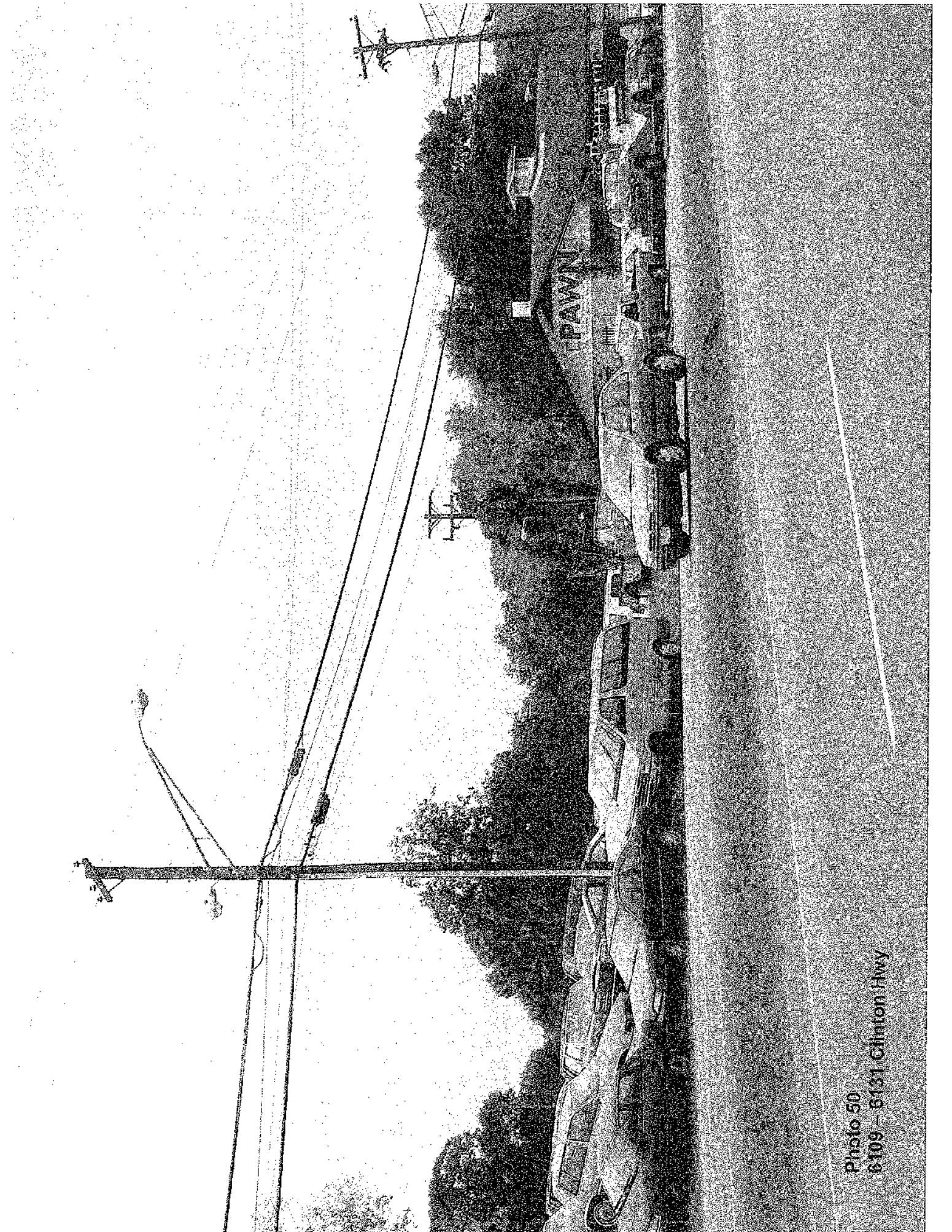


Photo 50
6109 - 6131 Clinton Hwy

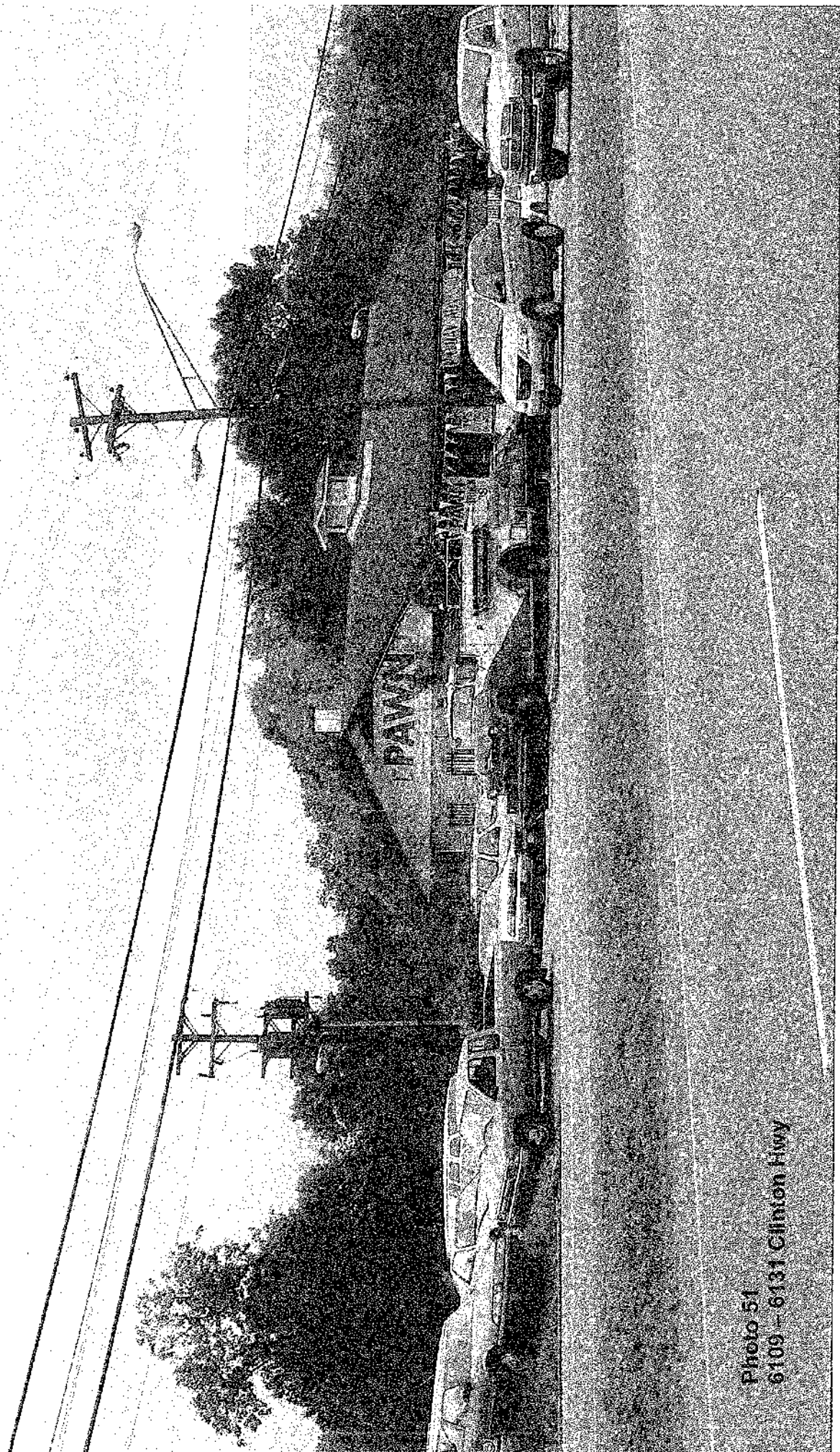


Photo 51
6109 - 6131 Clinton Hwy

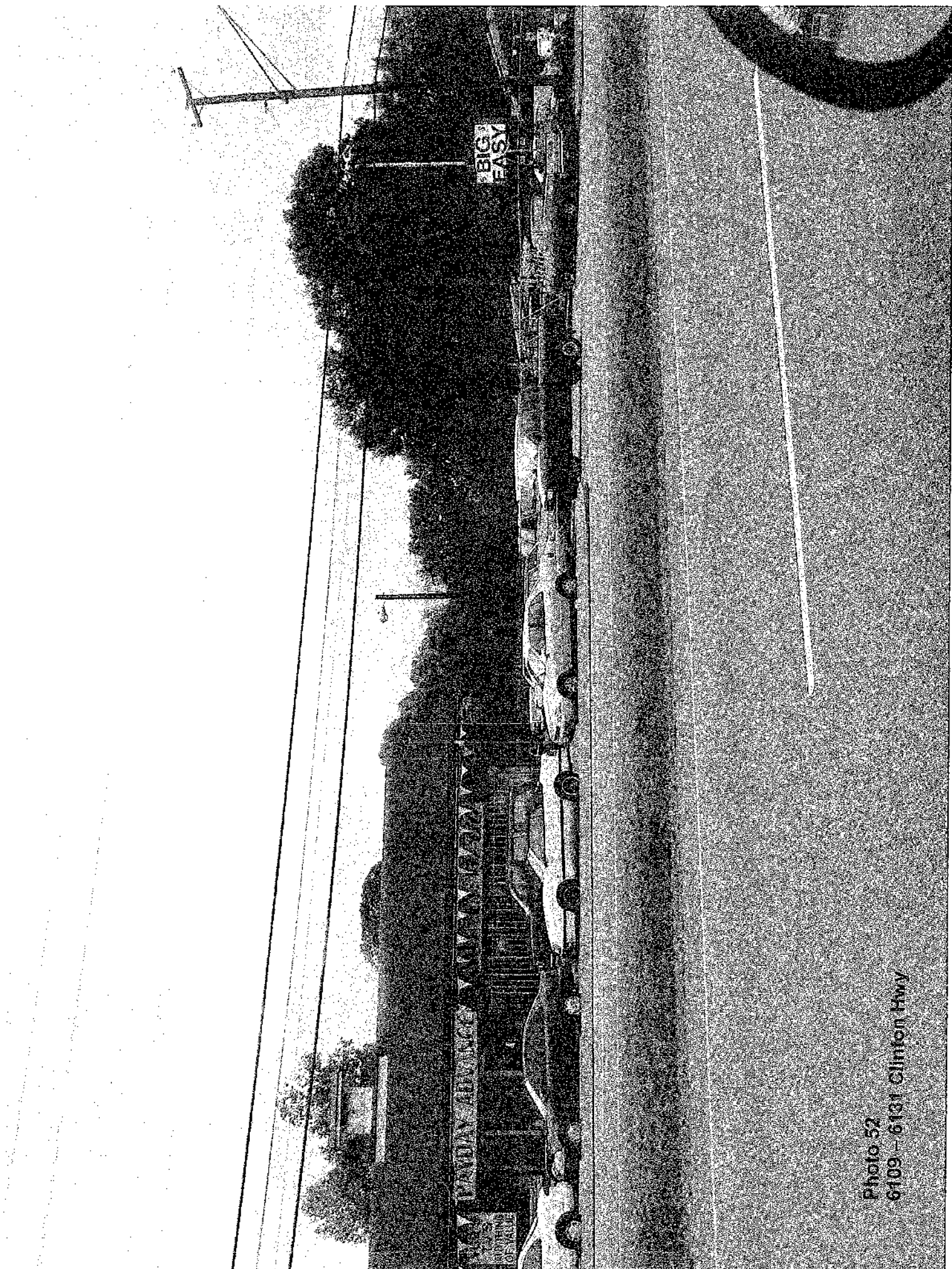


Photo 52
6/09 - 6131 Clinton Hwy



Photo 53
6109 - 6131 Clinton Hwy

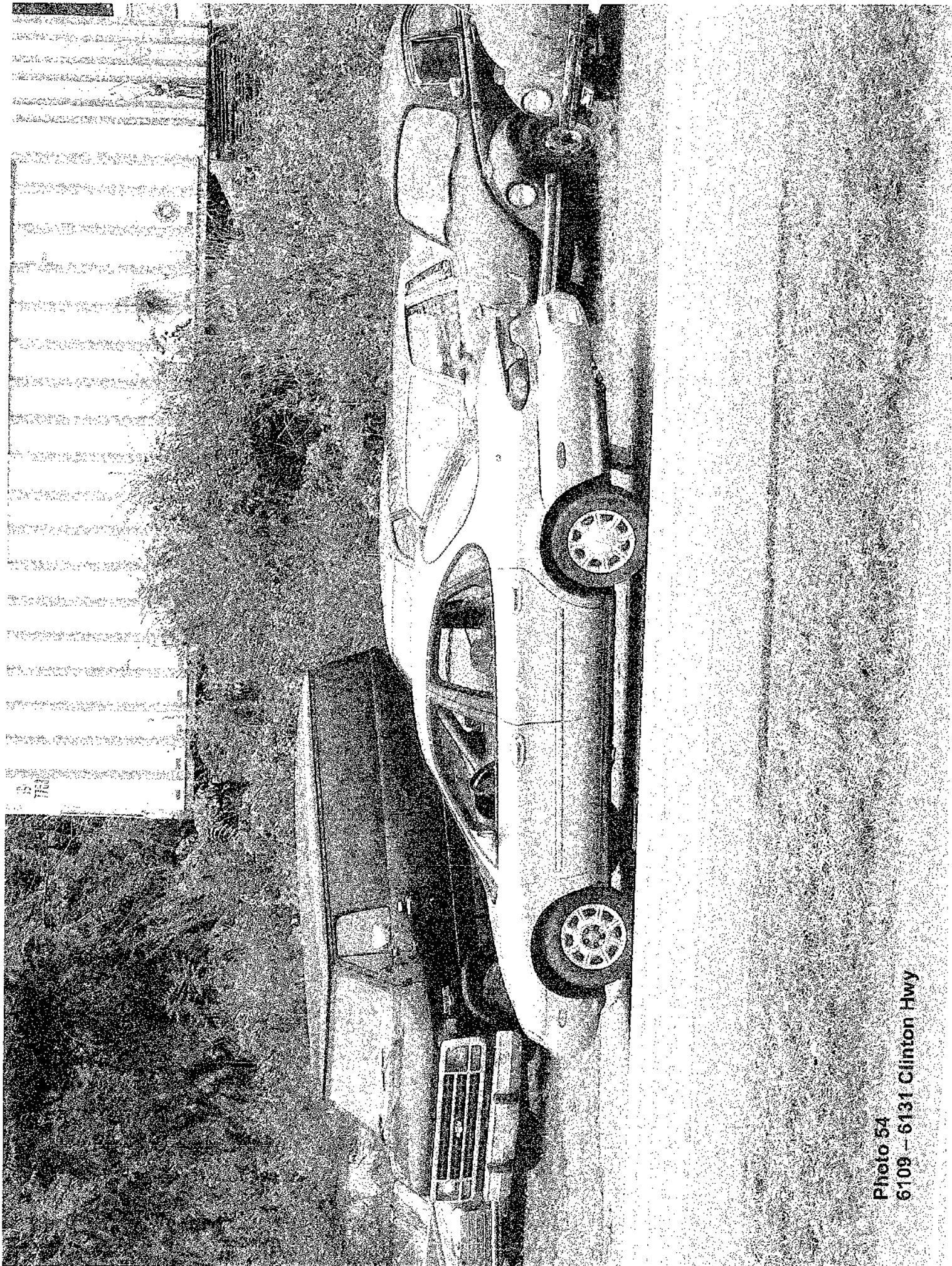


Photo 54
6109 - 6131 Clinton Hwy

**Norwood Law Office of
David B. Hamilton
Attorney at Law**

P O. Box 12891
1810 Merchant Drive
Knoxville, Tennessee 37912

telephone 865.219.9250
telefax 865.219.7862
dbh@dbhamilton.com

November 8, 2006

Fax Only 865.215.2068 NOV 9 2006

Metropolitan Planning Commission
400 Main Street, Ste. 403
Knoxville, TN 37902

Re: Agenda November 9, 2006, Item 102, 11-B-06-OB
Easy Money Pawn, 6109/6131 Clinton Highway

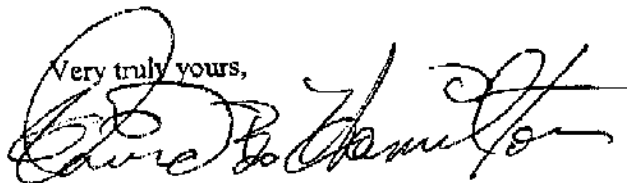
Dear Chair,

I reside within blocks of the aforementioned property, and an active member of the Norwood Homeowners' Association. I support the homeowners efforts to clean this site and commend the staff of the MPC for the recommendation to find the operation of the Easy Money Pawn offensive, not operating in a manner similar to the other businesses of the same type, and should be considered a prohibited use as described in Article 4, Section 10.D.7.

While I support the recommendation, I find the language of Article 2, Definitions, Junk Yard or Salvage Yard appropriate for additional support. As stated, "[t]he area of any property used for the storage, sorting, dismantling, processing, and/or sales of large discarded metallic materials, including but not limited to major appliances, scrap metals, machinery and vehicles." (emphasis added). This property is being used for a non-conforming use as defined in Article 2, and is an additional prohibited use, Article 4, Section 10.D.4.

In the matter of *Chadwell v. Knox County*, 980 S.W.2d 378, 385 (Tenn. Ct App. 1998), the Court provided clear guidance that "Knox County [can] require strict compliance with its zoning ordinance and regulations . . ." Further, the existing use of the site is not a grand fathered use as the site was originally a motel and restaurant. Therefore, it is appropriate for MPC to support the staff recommendation and declare the use of the property, as long term storage of vehicles, a prohibited use.

Very truly yours,



DAVID B. HAMILTON

cc: Norwood Homeowners' Association

From: "Beach" <e.rbeach@comcast.net>
To: <mark.donaldson@knoxmpc.org>
Date: 11/8/2006 7:12:08 PM
Subject: Easy Money Pawn Shop

Please help us do something about this eye sore to norwood and knoxville

Thank You
Edward Beach
5927 Blossom Rd
Knoxville TN. 37912

From: nathan <ncoffey@knology.net>
To: <mark.donaldson@knoxmpc.org>
Date: 11/6/2006 7:43:23 PM
Subject: Zoning Hearing for 1607 Wilson Road

My name is Nathan Coffey and I have lived at 1701 Peltier Road since 1988. Traveling this road is often dangerous due to its narrow width. When meeting a car on this road one must move into the ditch to avoid being hit. When that car is traveling at excessive speeds, which is common, it can be frightening.

From speaking with a close neighbor this morning, Frank Profit, I learned that the MPC use on review at 1607 Wilson Road is for some type of home day care. I am uncertain if this residence has an access from Wilson Road but it does from Peltier. I am concerned that a home day care would add too much traffic for such a narrow one-lane road.

Therefore, I am opposed to having this residence rezoned to allow a day care in the neighborhood. I am not certain if you are the appropriate person to contact regarding this matter. If you are not, I would appreciate you forwarding it to the appropriate authority.

CC: <fp1623@aol.com>