

REQUEST FOR COUNCIL ACTION

DATE: 5/18/2009

ITEM NO: 12.c

Department Approval

City Manager Approval



Item Description: Request by Pawn America (with Osborne Properties) for **conditional use** approval to allow the internal expansion of the existing pawn store at the McCarrons Hills Shopping Center, 1685-1717 Rice Street (PF09-011)

1 **1.0 REQUESTED ACTION**

2 Pawn America proposes to expand the existing pawn store, a CONDITIONAL USE, within
3 the McCarrons Hills shopping center at 1685-1717 Rice Street.

4 **Project Review History**

- 5 • Application submitted: March 31, 2009; Determined complete: April 1, 2009
- 6 • Sixty-day review deadline: May 29, 2009
- 7 • Project report recommendation: May 6, 2009
- 8 • Anticipated Planning Commission action: May 6, 2009
- 9 • Anticipated City Council action: May 18, 2009

10 **2.0 SUMMARY OF RECOMMENDATION**

11 At the duly noticed Planning Commission meeting of May 6, 2009, no citizens were
12 present to address the Commission. The Planning Division voted (6-0) to recommend
13 approval of the proposed CONDITIONAL USE; see Section 8 of this report for the detailed
14 recommendation.

15 **3.0 SUMMARY OF SUGGESTED CITY COUNCIL ACTION**

16 By resolution, approve the proposed INTERIM USE, pursuant to §1005 (Business Districts)
17 and §1013 (Interim Uses) of the City Code; see Section 9 of this report for the detailed
18 action.

19 **4.0 BACKGROUND**

20 4.1 The McCarrons Hills shopping center property at 1685-1717 Rice Street has a
21 Comprehensive Plan designation of Business (B) and a zoning classification of General
22 Business District (B-3). Pawn stores are allowed as CONDITIONAL USES in B-3 districts.

24 4.2 Such applications were formerly referred to as conditional use *permits*, but the word
 25 “permit” is being eliminated in an effort to sharpen the distinction between building
 26 permits and land use approvals like this. Although this represents a change in
 27 terminology, the nature of conditional use approvals will remain the same because they
 28 never actually involved permits *per se*.

29 **5.0 STAFF COMMENTS**

30 5.1 City records indicate that the existing Pawn America store was established in 1994, when
 31 pawn shops were permitted uses in B-3 districts. Pawn stores did not become *conditional*
 32 uses until 2004, when Ordinance 1305 significantly revised the format of Chapter 1005
 33 (Business Districts) of the City Code. Although City records do not include any
 34 indication of why this substantive change was made, it had the effect of converting the
 35 conforming Pawn America store into a legal, nonconforming use.

36 5.2 State Statute 462.357 subd. 1e protects a legal nonconforming use like this by mandating
 37 that it be allowed to continue operating in ways that don’t create a *more* nonconforming
 38 condition; that is, the existing Pawn America can be maintained and improved, even
 39 increase the volume of its transactions within the existing store, without requiring
 40 CONDITIONAL USE approval from the City.

41 5.3 Planning Division staff has determined, however, that the physical expansion of the pawn
 42 store’s footprint within the shopping center would amount to increasing the
 43 nonconformity, and would thereby disqualify it from the protections of MN Statute
 44 462.357. In order to operate as the physically larger store currently proposed, Pawn
 45 America must receive the approval required for CONDITIONAL USES, and thus become a
 46 conforming use.

47 5.4 Section 1013 of the Roseville City Code allows the City Council to grant CONDITIONAL
 48 USE approvals for land uses that are conditionally permitted in a zoning district and, in
 49 order to protect the public health, safety, and general welfare, any additional conditions
 50 deemed necessary may be imposed that are above and beyond licensing requirements or
 51 other operating regulations. In light of the existing regulations on pawn stores established
 52 in §311 (Pawnbroker & Precious Metal Dealers) of the City Code (included with this staff
 53 report as Attachment C), Planning Division staff does not recommend much in the way of
 54 additional conditions.

55 **6.0 REVIEW OF CONDITIONAL USE CRITERIA**

56 6.1 Section 1013.01 (Conditional Uses) of the City Code requires the Planning Commission
 57 and City Council to consider the following criteria when reviewing a CONDITIONAL USE
 58 application:

- 59 **a.** Impact on traffic;
- 60 **b.** Impact on parks, streets, and other public facilities;
- 61 **c.** Compatibility of the site plan, internal traffic circulation, landscaping, and
 62 structures with contiguous properties;
- 63 **d.** Impact of the use on the market value of contiguous properties;
- 64 **e.** Impact on the general public health, safety, and welfare; and

- 65 f. Compatibility with the City’s Comprehensive Plan.
- 66 6.2 **Impact on traffic:** Because Pawn America proposes to expand into an adjacent tenant
67 space in an existing shopping center, Planning Division has determined that the use
68 would have no more impact on traffic than other permitted uses that could occupy the
69 same space.
- 70 6.3 **Impact on parks, streets and other public facilities:** The proposal represents a retail
71 use in an existing retail space, and so would not have additional impacts on parks, streets,
72 and other public facilities.
- 73 6.4 **Compatibility ... with contiguous properties:** No changes are proposed to the site plan,
74 internal traffic circulation, or landscaping, and the proposed internal structural
75 modifications would not affect the site’s compatibility with contiguous properties.
- 76 6.5 **Impact of the use on the market value of contiguous properties:** People tend to have
77 negative feelings about pawn stores and their perceived effect on residential property
78 values, but when a property is assigned Zoning and Comprehensive Plan land use
79 designations, careful consideration is given to protecting the value of surrounding
80 properties. In light of this, and because a pawn store is among the uses that are allowed
81 (conditionally or otherwise) in the B-3 District and is consistent with the “business”
82 designation of the Comprehensive Plan, the Planning Division has determined that the
83 expanded pawn store use will not affect the market value of contiguous properties.
- 84 6.6 **Impact on the general public health, safety, and welfare:** Police Department staff has
85 indicated that pawn shops are no more likely to have illegal activity or police calls than a
86 general retail business and that Roseville police enjoy a very cooperative relationship
87 with the existing Pawn America store; the Planning Division therefore believes that the
88 proposed expansion of the existing store will have no discernable impact on the general
89 public health, safety, and welfare. City licensing requirements for pawn shops are also
90 geared toward protecting the health, safety, and welfare of Roseville’s residents, and if
91 Pawn America fails to satisfy those requirements, the company risks revocation of its
92 license. Even if Pawn America operates in compliance with its license but the use is later
93 determined to have a negative impact on the general public health, safety, and welfare,
94 the CONDITIONAL USE approval can be invalidated.
- 95 6.7 **Compatibility with the City’s Comprehensive Plan:** A pawn store is a conditionally
96 permitted use in the B-3 General Business District and is compatible with the
97 Comprehensive Plan land use designation of Business.
- 98 **7.0 PLANNING COMMISSION ACTION**
- 99 7.1 On May 6, 2009, the Roseville Planning Commission held the duly noticed public
100 hearing regarding the Pawn America request. At the hearing no citizens were present
101 to address the Commission, however that applicant was present to answer questions
102 and provide additional clarification regarding the request.
- 103 7.2 The Commission was unclear (as was the Planning Staff) on the condition for
104 surveillance of the parking lot and whether or to what extent the existing cameras
105 would suffice. They requested staff clarify prior to Council approval.
- 106 7.3 The Commission was also concerned with the site adding a drive-thru window
107 without amending the approval Conditional Use so that included this as a condition.

108 7.4 The Commission recommended (6-0) approval of the request subject to the Planning
109 Staff clarifying the initial condition and Pawn America not allowed to have a drive-
110 thru window without review and consideration under an amended Conditional Use in
111 the future

112 **8.0 STAFF RECOMMENDATION**

113 Based on the comments and findings outlined in Sections 5 and 6 of this report, the
114 Planning Division recommends approval of the request for a CONDITIONAL USE to
115 allow the expanded pawn store as a conforming use pursuant to §1005.015 and
116 §1013.01 of the Roseville City Code subject to following conditions as revised from
117 the May 6, Planning Commission Hearing:

118 **a.** The pawnbroker/applicant shall install video surveillance equipment
119 (stationary cameras) to monitor the shopping center parking areas adjacent to
120 the pawn store tenant space such that the captured video can help law
121 enforcement personnel identify vehicles used by people pawning stolen
122 merchandise; the digital or analog video shall be retained by the pawnbroker
123 and made available to law enforcement personnel for a minimum of one
124 hundred twenty (120) days. Pawn America currently has three outdoor
125 surveillance cameras that may be of appropriate quality and location.
126 However, the Roseville Police Department will review the existing quality
127 and location and work with Pawn America on an acceptable set-up.

128 **b.** Any drive-thru considered for the Pawn America use, shall be considered an
129 amendment to the Conditional Use and subject to the amendment process.

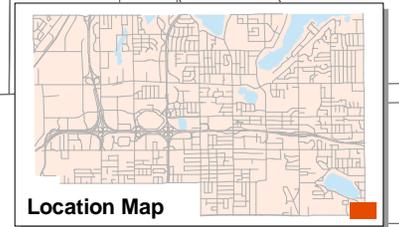
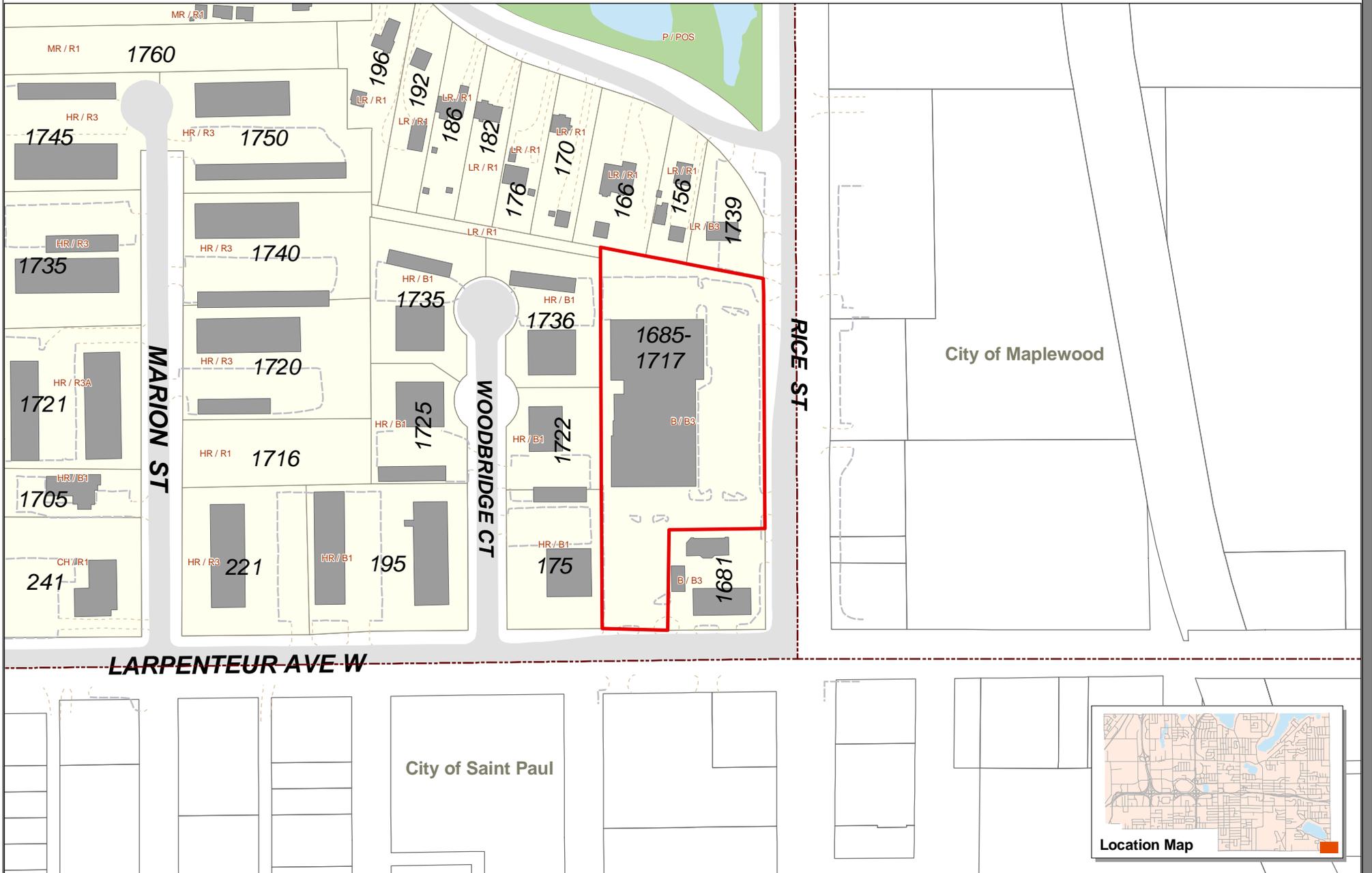
130 **9.0 SUGGESTED ACTION**

131 **ADOPT a RESOLUTION APPROVING the requested CONDITIONAL USE** rendering the
132 existing Pawn America store at 1713 Rice Street a permitted use, based on the
133 comments and findings of Sections 5 and 6, and the condition of Section 8 of the
134 project report dated May 18, 2009

Prepared by: City Planner Thomas Paschke

Attachments:	A: Area map	D: Applicant narrative
	B: Aerial photo	E: Proposed floor plan
	C: Excerpts of Section 311	F: Draft PC minutes
	(pawnbroker & precious metal	G: Draft Resolution
	dealers)	

Attachment A: Location Map for Planning File 09-011



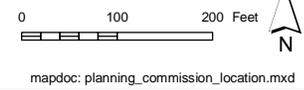
Prepared by:
 Community Development Department
 Printed: April 20, 2009



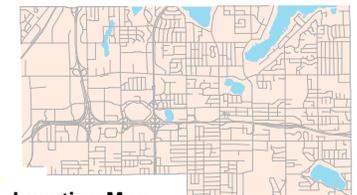
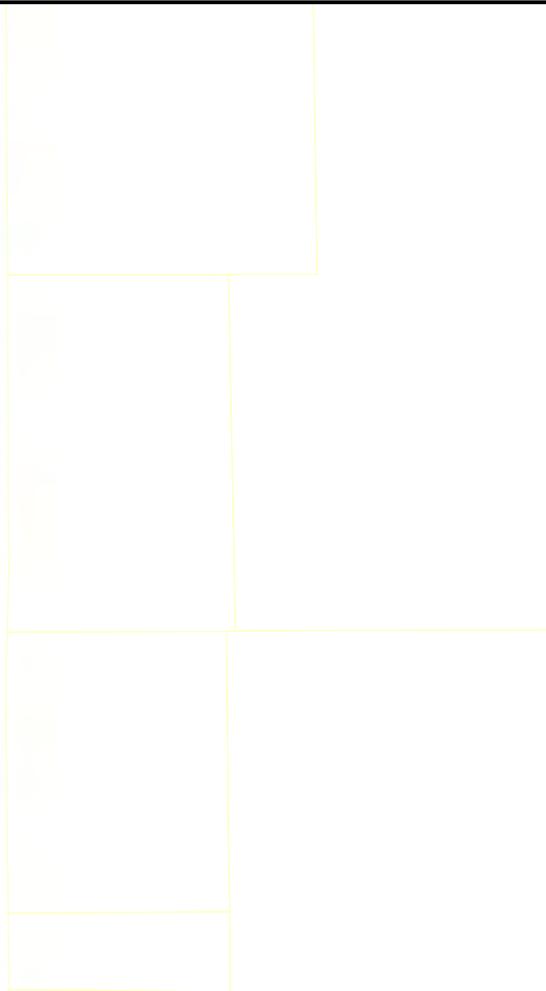
Site Location
 LR/R1 Comp Plan / Zoning Designations

Data Sources
 * Ramsey County GIS Base Map (3/30/2009)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B: Aerial Map of Planning File 09-011



Location Map



Site Location

Data Sources
 * Ramsey County GIS Base Map (3/30/2009)
 * Aerial Data: Pictometry (4/2008)
 For further information regarding the contents of this map contact:
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CHAPTER 311

PAWNBROKERS AND PRECIOUS METAL DEALERS

SECTION:

- 311.01: Purpose
- 311.02: Definitions
- 311.03: License Required
- 311.04: Application for License
- 311.05: Investigation by Police Department
- 311.06: Term of License and Renewals
- 311.07: License Fees
- 311.075: Billable Transaction Fees
- 311.076: Bond Required
- 311.08: Ineligible Persons and Locations
- 311.09: Requirements of Licensees
- 311.10: Alarm System Required
- 311.11: Suspension or Revocation of License
- 311.12: Prohibited Acts
- 311.13: Adoption of Statutes by Reference

311.01: PURPOSE:

The City Council finds that pawnbrokers and precious metal dealer regulation is appropriate because such activities provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The City Council also finds that consumer protection regulation of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS). (Ord. 1275, 11-18-2002)

311.02: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification are a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo driver's license or identification card issued by another state or province of Canada.

BILLABLE TRANSACTIONS: Every reportable transaction conducted by a pawnbroker, except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession.

ISSUING AUTHORITY: The City of Roseville.

ITEM CONTAINING PRECIOUS METAL: An item made in whole or in part of metal and containing more than one percent (1%) by weight of silver, gold or platinum.

MINOR: Any natural person under the age of eighteen (18) years.

PAWNBROKER: A person who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling that same thing back again at a stipulated price or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this chapter shall be applicable. Pawnbroker does not include businesses or persons who engage in transactions in which a used or secondhand item is exchanged for a new item and the value of the new item exceeds the value of the secondhand item, or who buys and sells used goods or equipment of a specialized nature such as exercise or sporting equipment, or children's clothes. A bank, savings and loan association or credit union shall not be deemed a pawnbroker for purposes of this chapter.

PAWNSHOP: Any business establishment operated by a pawnbroker.

PERSON: One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation, a trust, a political subdivision of the state; or any other business organization.

PRECIOUS METAL DEALER: Any person engaging in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. Persons conducting the following transactions shall not be deemed to be precious metal dealers:

- A. Transactions at occasional "garage" or "yard" sales, or estate sales or auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742, for these transactions.
- B. Transactions regulated by Minnesota statutes, chapter 80A.
- C. Transactions regulated by the federal commodity futures commission act.
- D. Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps or dust from an industrial manufacturer, dental lab, dentist or agent thereof.
- E. Transactions involving the purchase of photographic film such as lithographic and x-ray film or silver residue or flake covered in lithographic and x-ray film processing.
- F. Transactions involving coins or bullion in ingots.
- G. Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742.
- H. Transactions between precious metal dealers if both dealers are licensed under Minnesota statutes, section 325F.733, or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under Minnesota statutes, section 325F.733.

I. Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques and the items are resold in an unaltered condition except for repair, and the items are resold at retail and the buyer paid less than two thousand five hundred dollars (\$2,500.00) for secondhand items containing precious metals purchased within any period of twelve (12) consecutive months.

PRECIOUS METALS: Silver, gold or platinum.

REDEMPTION PERIOD: The date by which an item of property that has been pawned must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business.

REPORTABLE TRANSACTION: Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended, or for which a unique transaction number or identifier is generated by their point of sale software, is reportable, except:

A. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

B. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired. (Ord. 1275, 11-18-2002)

311.03: LICENSE REQUIRED:

No person shall exercise, carry on or be engaged in the trade or business of pawnbroker or precious metal dealer within the city unless such person is currently licensed under this section to be a pawnbroker or precious metal dealer, respectively. (Ord. 1275, 11-18-2002)

311.04: APPLICATION FOR LICENSE:

Every application for license under this section, whether for a natural person, partnership, corporation or other organization, shall be made on a form supplied by the city and shall contain all information as required on that form by law.

All applications for a license under this chapter shall be signed and sworn to under oath or affirmation by applicant. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Any falsification on a license application shall result in the denial of a license.

When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application within fourteen (14) days. The manager shall be subject to the investigation required by section 311.05 of this chapter, and to payment of the investigation fee required by this chapter, which shall be paid in advance.

The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within fourteen (14) days of the decision. If a proposed manager is rejected, the decision may be appealed to the City Council by filing a written notice of appeal with the city manager within ten (10) days after being notified of the rejection. (Ord. 1275, 11-18-2002)

311.05: INVESTIGATION BY POLICE DEPARTMENT:

- A. Investigation and Report: All applications shall be referred to the police department for verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the City Council as to issuance or nonissuance of the license. The City Council may order and conduct such additional investigation as it deems necessary.
- B. Cost of Investigation; Deposit: An applicant for any license under this section shall deposit with the city, at the time an original application is submitted, five hundred dollars (\$500.00) to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this section. If the investigation and verification process is conducted outside the state of Minnesota, the city may require the actual investigation costs not exceeding one thousand five hundred dollars (\$1,500.00). (Ord. 1275, 11-18-2002)

311.06: TERM OF LICENSE AND RENEWALS:

- A. Term: All licenses issued through this section shall be for a period of twelve (12) months beginning January 1, prorated on a monthly basis.
- B. Renewal: A license under this section will not be renewed:
 1. If the City Council determines that the licensee has failed to comply with the provisions of this chapter in a preceding license year.
 2. There would be sufficient grounds not to issue a license in the first instance. (Ord. 1275, 11-18-2002)

311.07: LICENSE FEES:

The license application fees for pawnbrokers' and precious metal dealers' licenses shall be as set forth in section 301.03 of this title. (Ord. 1275, 11-18-2002)

311.075: BILLABLE TRANSACTION FEES:

- A. Licensees shall pay a monthly transaction fee on all billable transactions as set forth in section 301.03 of this title. Such fee shall be due and payable within thirty (30) days. Failure to timely pay the billable transaction fee shall constitute a violation of this chapter. (Ord. 1275, 11-18-2002)

311.076: BOND REQUIRED:

At the time of filing an application for a license, the applicant shall file a bond in the amount of ten thousand dollars (\$10,000.00) with the city. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the city attorney. The bond must be conditioned on the licensee observing all ordinances of the city and all laws relating to the business of pawnbroker or precious metal dealer, and the licensee accounting for and delivering to any person legally entitled thereto any articles which

may have come into the possession of the licensee as pawnbroker or precious metal dealer, or in lieu thereof such licensee paying the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be canceled without thirty (30) days' advance written notice to the licensing authority. (Ord. 1275, 11-18-2002)

311.08: INELIGIBLE PERSONS AND LOCATIONS:

- A. Ineligible Persons: No licenses under this chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:
 - 1. Is a minor at the time the application is filed;
 - 2. Has been convicted of any offense related to the occupation licensed or involving moral turpitude;
 - 3. Is not a citizen of the United States or a resident alien;
 - 4. Is not of good moral character or repute;
 - 5. Holds an intoxicating liquor license under this code;
 - 6. Has had a pawnbroker or precious metal dealer license revoked elsewhere; or
 - 7. Other good and sufficient reason in the sole discretion of the City Council.
- B. Ineligible Locations: The following locations shall be ineligible for licenses under this chapter:
 - 1. No license shall be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or city are due, delinquent or unpaid.
 - 2. No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.
 - 3. The property is not properly zoned.
- C. Multiple Brokers or Dealers Prohibited: No license shall be issued for multiple pawnbrokers or precious metal dealers at one location. (Ord. 1275, 11-18-2002)

311.09: REQUIREMENTS OF LICENSEES:

- A. Record Keeping: All licensees shall maintain a computerized system for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker or precious metal dealer shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the following information:
 - 1. Description of Item: An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;
 - 2. Date and Time: The date and time the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records. Transaction identifiers must be consecutively numbered;
 - 3. Description of Person: The name, address, residence phone number, date of birth, and accurate description including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;
 - 4. Identification Number: The identification number and state or nation of issue from any of the following forms of identification of the person from whom the item of property was received:
 - a. A valid driver's license;
 - b. A valid state or national picture identification;
 - 5. Price: The price of the item paid and whether the item was purchased or pawned;

6. Fees: A list of all fees and charges which the transaction may be subject to;
7. Statement: A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
8. Photograph or Video Recording: The licensee must also take a color photograph or color video recording of:
 - a. Each customer involved in a billable transaction.
 - b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

The photograph taken must be at least two inches (2") in length by two inches (2") in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for four (4) months, and furnish it to the police department upon request.

9. Digitized Photographs: Effective sixty (60) days from the date of notification by the police department licensees must fulfill the color photograph requirements by submitting them as digital images, in a format specified by the issuing authority, electronically cross referenced to the reportable transaction they are associated with.

10. Renewals, Extensions and Redemptions: For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, the type of transaction, interest charges accrued, and any amount paid for the transaction or the article. When an article of purchased or forfeited property is sold or disposed of by a licensee the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

- B. Inspection of Records: The pawnbroker or precious metal dealer shall make available the information required in subsection A of this section at all reasonable times for inspection by the city police department or other representative of the city. The information required in this section shall be retained by the pawnbroker or precious metal dealer for at least five (5) years. Entries of required digital images shall be retained a minimum of one hundred twenty (120) days.
- C. Daily Reports to Police Are Required: The pawnbroker or precious metal dealer shall submit daily to the police department all information required by this section regarding every reportable transaction by transferring it from their computer to the automated pawn system. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

- D. **Data Transfer Failures:**
1. If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date, by twelve o'clock (12:00) noon the next business day;
 2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and must be charged a fifty dollar (\$50.00) reporting failure penalty, daily, until the error is corrected; or
 3. If the problem is determined to be outside the licensee's system, the licensee must provide the required reports and resubmit all such transaction via modem when the error is corrected.
 4. If a licensee is unable to capture, digitize or transmit the photographs required by this chapter, the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
 5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
 6. The police department may, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed by this section.
- E. **Police Order to Hold Property:** Whenever the city police department notifies the pawnbroker or precious metal dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.
- F. **Holding Period of Pawnbrokers:** Any item sold or pawned to a pawnbroker for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for sixty (60) days after the date of the sale or pawn. However, an individual may redeem an item pawned seventy two (72) hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.
- G. **Receipt:** The pawnbroker or precious metal dealer shall provide a receipt to the seller or pledger of any item of property received, which shall include:
1. The name, address and phone number of the pawnbroker or precious metal dealer business.
 2. The date on which the item was received by the pawnbroker or precious metal dealer.
 3. A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.
 4. The signature of the pawnbroker or precious metal dealer or agent.
 5. The last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item on that date.
 6. The annual rate of interest charged on pawned items received.
 7. The name, address, and signature of the seller or pledger.
- H. **Hours of Operation:** No pawnbroker or precious metal dealer shall be open for the transaction of business on any day of the week before seven o'clock (7:00) A.M. or after ten o'clock (10:00) P.M.
- I. **Minors:** The pawnbroker or precious metal dealer shall not purchase or receive personal property of any nature on deposit or pledge from any minor.

- J. Inspection of Items: The pawnbroker or precious metal dealer shall at all times during the term of the license allow the city police department to enter the premises where the pawnbroker or precious metal dealer business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.
- K. License Display: A license issued under this section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.
- L. Maintenance of Order: A licensee under this section shall be responsible for the conduct of the business being operated and shall maintain conditions of order.
- M. Prohibited Goods: No licensee under this section shall accept any item of property which contains an altered or obliterated serial number or "operation identification" number or any item of property whose serial number has been removed.
- N. Payment by Check: Payment of more than two hundred fifty dollars (\$250.00) by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument which is drawn against funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.
- O. Holding Period for Precious Metal Dealers: Any item received by a precious metal dealer for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for two (2) weeks after the date of the sale.
- P. Storage Sites: All items must be stored within the licensed premises building except the city may permit the licensee to designate one locked and secured warehouse building within the city within which the licensee may store only cars, boats and other motorized vehicles. No item may be stored in the designated warehouse building that is not reported in the records pursuant to subsection A of this section. The licensee shall permit immediate inspection of the warehouse at any time during business hours by the city, and failure to do so is a violation of this chapter. Oversized items may not be stored in parking lots or other outside areas. All provisions in this section regarding record keeping and reporting shall apply to oversized items.
- Q. Off Site Sales Storage: All items accepted by a licensee at a licensed location in the city shall be for pledge or sale through a licensed location in the city. No licensee under this section shall sell any items which are transferred from a nonlicensed facility or a licensed facility outside the city. (Ord. 1275, 11-18-2002)

311.10: ALARM SYSTEM REQUIRED:

An alarm system, professionally installed and approved by the city manager or his/her designee, must be installed at the licensed premises. (Ord. 1275, 11-18-2002)

311.11: SUSPENSION OR REVOCATION OF LICENSE:

- A. Violation: The City Council may suspend or revoke a license issued under this chapter upon a finding of a violation of: 1) any of the provisions of this chapter; 2) any state statute regulating pawnbrokers or precious metal dealers; 3) any state or local law relating to moral character and repute. Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.
- B. Notice; Hearing: Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to

the licensee and a public hearing. The written notice shall give at least eight (8) days notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker or precious metal dealer. The council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding thirty (30) days. The notice may be served upon the pawnbroker or precious metal dealer by United States mail addressed to the most recent address of the business in the license application. (Ord. 1275, 11-18-2002)

311.12: PROHIBITED ACTS:

- A. No pawnbroker or precious metal dealer licensed under this chapter shall:
 - 1. Lend money on a pledge at a rate of interest above that allowed by law;
 - 2. Possess stolen goods;
 - 3. Sell pledged goods before the time to redeem has expired;
 - 4. Refuse to disclose to the pledger, after having sold pledged goods, the name of the purchaser or the price for which the item sold;
 - 5. Make a loan on a pledge to a minor or purchase property from a minor;
 - 6. Accept for pawn, sale or consignment any article or property if the article or property belongs to another, or if another person has a security interest in the property; or
 - 7. Receive any article or property from a person of unsound mind or an intoxicated person.
 - B. No person shall:
 - 1. Pawn, pledge, sell, assign, lease or deposit with a pawnbroker or precious metal dealer any article of property not their own, or any article of property in which another person has a security interest.
 - 2. Give false or fictitious name, date of birth, address, telephone number, or identification card to a pawnbroker or precious metal dealer.(Ord. 1275, 11-18-2002)
- (Ord. 1319, 04-25-2005)

311.13: ADOPTION OF STATUTES BY REFERENCE:

Minnesota statutes, sections 325J.01 et seq., 1996, are hereby adopted by reference. Wherever this chapter is more restrictive than said statutes, this chapter will control. Wherever said statutes are more restrictive than this chapter, said statutes shall control. (Ord. 1275, 11-18-2002)

LEONARD
STREET
AND
DEINARD

Attachment D

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335-1657 FAX

March 27, 2009

TODD M. PHELPS
612-335-1871
todd.phelps@leonard.com

Roseville Community Development
c/o Mr. Thomas Paschke, City Planner
2660 Civic Center Drive
Roseville, MN 55113

Re: Conditional Use Application—1713 Rice Street, Roseville, Minnesota

Dear Mr. Paschke:

This letter is submitted on behalf of Pawn America Minnesota, L.L.C., a Minnesota limited liability company (“Pawn America”), in support of the attached conditional use application to expand Pawn America’s existing store located in the McCarron Hills Shopping Center, 1713 Rice Street, Roseville, Minnesota (the “Property”).

Pawn America has operated its existing store, which consists of approximately 7,632 square feet, at the Property for over the past fifteen (15) years. Recently, approximately 4,291 of adjacent retail space became available and Pawn America desires to expand its store to include this additional space.

The Property is zoned B-3 General Business and a pawn store use is a conditional use in this zoning designation. Enclosed are the following items submitted in support of the attached conditional use application:

- The legal description of the Property is attached hereto as Exhibit A. The property identification number is 13-29-23-44-0012.
- The proposed plan is attached hereto as Exhibit B.
- A check in the amount of \$600 for the application fee.

In further support of the attached application, Pawn America submits the following six (6) findings pursuant to Section 1013.01(D) of the Roseville City Code:

1. Impact of the proposed expansion on traffic. The Property is located on Rice Street, which is a main arterial right-of-way within the City of Roseville. The previous tenants in the proposed expansion space were all retail tenants with uses that were no less intense that Pawn America’s use. Pawn America does not anticipate any material changes to the traffic count or flow along Rice Street as a result of the proposed expansion.
2. Impact of the proposed expansion on parks, streets, and other public facilities. The Property was specifically designed and built for medium scale retail/commercial uses. The Property has existing ingress and egress points that provide for easy access between the Property and Rice Street. The expanded Pawn America store will continue to utilize the same ingress and egress points that are currently utilized by Pawn America employees and customers as well as the other retail tenants of

the McCarron Hills Shopping Center. Pawn America does not anticipate any material impact on parks, streets or other public facilities as a result of this expansion.

3. Compatibility of the proposed site plan, internal traffic circulation, landscaping, and structures with contiguous properties. Again, the McCarron Hills Shopping Center has been located here for several decades. The Property was designed for and functions well with the contiguous properties. Pawn America does not anticipate any material impact on internal traffic circulation, landscaping or structures with contiguous properties. It should be noted that Pawn America is simply expanding into existing retail space. No new retail space is being added on to the existing McCarron Hills Shopping Center.
4. Impact of the proposed use on the market value of contiguous properties. Again, Pawn America has been operating at this location for over the past fifteen (15) years. We do not anticipate that the expansion will have any negative impact on the market value of contiguous properties. To the contrary, we anticipate that if anything, contiguous property values may increase as a result of the significant upgrades that are planned for the Property and a long-term financially stable tenant.
5. Impact of the proposed use on the public health, safety, and general welfare. Again, Pawn America has been operating at this location for over the past fifteen (15) years. The proposed expansion is located in an area that was specifically designed and built for retail tenants such as Pawn America. We do not anticipate that the expansion will have any negative impact on the health, safety or general welfare.
6. Compatibility of the proposed use with the City's comprehensive plan. The Property is designated as "CB" Community Business in the City's proposed 2030 comprehensive plan. Community Business uses are commercial areas oriented toward businesses involved with the sale of goods and services to a local market area. Community business areas include shopping centers and freestanding businesses that promote community orientation and scale. Pawn America's business involves the sale of goods and services to the local market area and the Property is clearly located within a shopping center. Accordingly, the propose expansion is entirely compatible with the City's comprehensive plan.

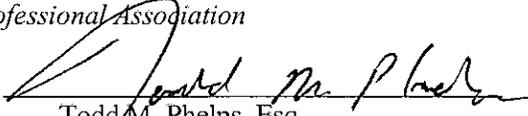
Thank you in advance for your time and consideration of Pawn America's application. If you have any questions or concerns, please feel free to contact me at (612) 335-1871, Brad Rixmann at (952) 646-1762 or Jim Rock at (952) 465-3357.

Very truly yours,

LEONARD, STREET AND DEINARD

Professional Association

By

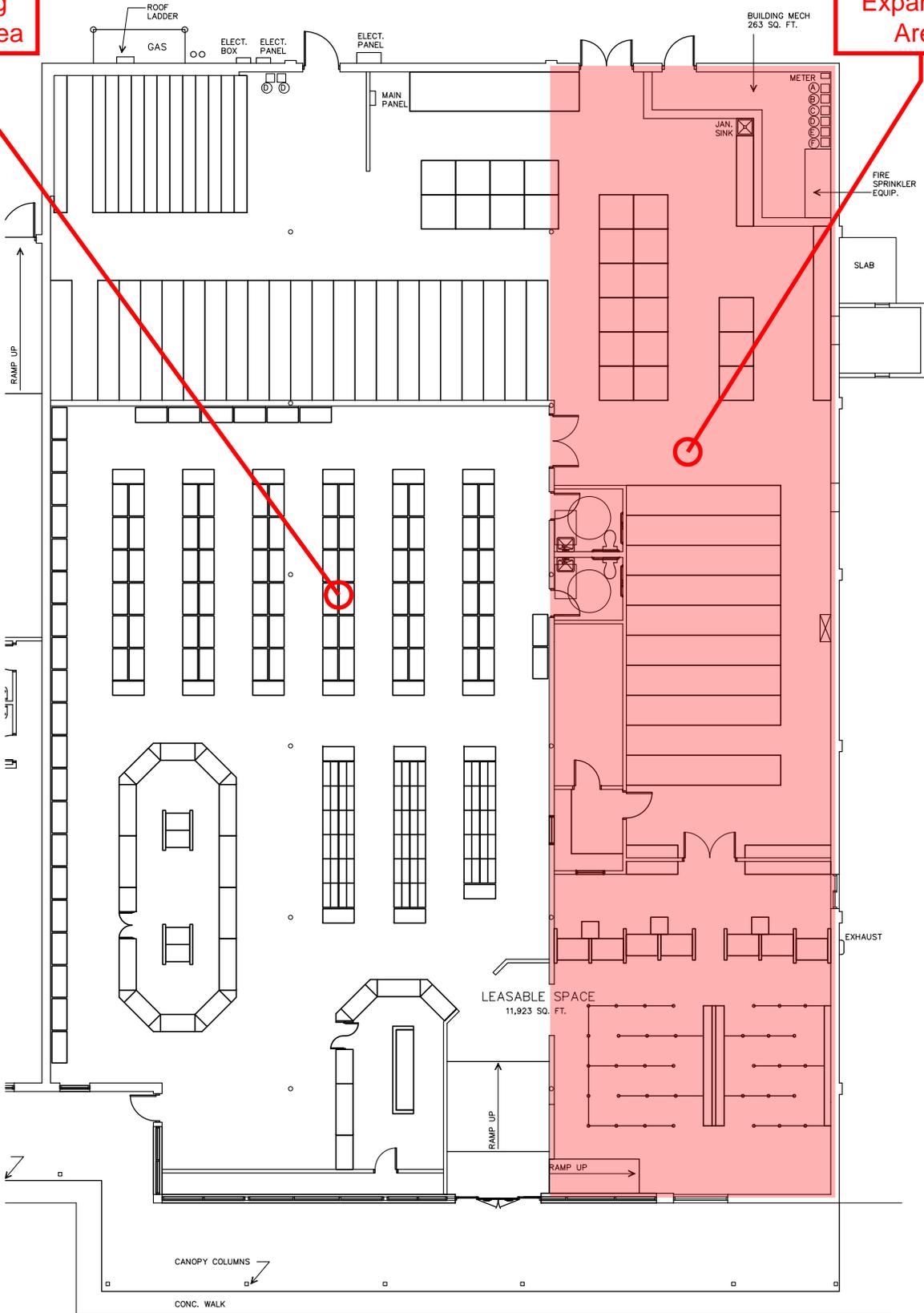

Todd M. Phelps, Esq.
*Real Property Law Specialist, certified
by the Minnesota State Bar Association*

Encl.

cc: Brad Rixmann (via email w/encl.)
James R. Rock (via email w/encl.)

Existing Store Area

Expansion Area



**EXTRACT OF THE MAY 6, 2009
DRAFT ROSEVILLE PLANNING COMMISSION MEETING**

b. PLANNING FILE 09-011

Request by Pawn America (with Osborne Properties) for CONDITIONAL USE APPROVAL to allow the internal expansion of the existing pawn store at the McCarrons Hills Shopping Center, 1685 – 1717 Rice Street

Vice Chair Boerigter opened the Public Hearing for Planning File 09-011.

City Planner Thomas Paschke provided staff's analysis of the request of Pawn America to expand the existing pawn store within the McCarrons Hills Shopping Center at 1685 – 1717 Rice Street. Mr. Paschke opined that Pawn America had a good working relationship with the City's Police Department; had proven a good addition to this shopping center; and indicated that this would be an appropriate expansion with no significant impact to the City or this area of the community.

Staff recommended APPROVAL of the CONDITIONAL USE request of Pawn America to expand the existing pawn store within the McCarrons Hills Shopping Center at 1685 – 1717 Rice Street; based on the comments of Sections 5 and 6 and the condition detailed in Section 7 of the project report dated May 6, 2009.

Discussion included the similarity of the condition from the City's Police Department with other such uses, with the intent to create a more safe environment of the parking lot area with additional surveillance cameras; no requirement for additional lighting for pawn store uses; and attempted clarification of the type of resolution such camera equipment would require to capture vehicle identification information as indicated.

Applicant, David Goff, District Manager with Pawn America

Mr. Goff indicated that there were already three (3) similar cameras in existence, all with moderate resolution.

Discussion included the Police Department's intent in the condition to provide additional coverage in the parking lot and the need for the applicant coordinate with the Police Department to meet those conditions.

Additional discussion included clarification of proposed significant property upgrades, and whether those were internal or external.

Jim Rock, Real Estate Broker with Cushman and Wakefield, representing Pawn America

Mr. Rock indicated that in negotiations and discussions with Osborne Properties, owners of McCarrons Hills Shopping Center, that exterior façade and signage updates were proposed.

Mr. Paschke advised that Osborne Properties had submitted a Master Sign Plan, but that this application was specific to allowing a conditional use for internal expansion within that tenant space.

Further discussion included enforcement of camera installation to sufficient resolution to meet the Police Department condition; with staff asked to clarify, prior to the City Council meeting when this case will be heard, how compliance would be determined.

Community Development Director Patrick Trudgeon suggested that the applicant(s) and the Police Department coordinate camera locations and their resolution prior to the City Council meeting.

Commissioners concurred, noting the good working relationship to-date between Pawn America and the Police Department; and that the Police Department could ensure compliance with their intended condition.

Additional discussion included the applicant's intent for the new space for additional retail bin-type items (i.e., DVD's, VHS tapes, and jewelry cases); Pawn America's two (2) locations elsewhere with drive-thru options, but not proposed for this facility due to site and traffic flow constraints; separate application required for expansion of the CUP to include a drive-thru use, with staff review of any such proposal determining whether it would be an administrative or public hearing approval process; and the applicant's intent to improve the overall interior condition of the shop through this expansion, proposed for completion in phases to allow the business to remain in operation during renovation.

Mr. Goff noted the length of time this lease extension had been in negotiation states; and concurred that the interior seriously needed an upgrade; and that it was intended that this store be similar when completed to resemble their newer store prototypes.

Public Comment

No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing at this time.

Commissioners Wozniak and Gottfried expressed their preference that the condition proposed by the Police Department be clarified for more specifics for the additional video equipment meeting the needs of the Police Department; and that an additional condition be included that any request for drive-thru at this location would require a CUP amendment.

Commissioner Gisselquist suggested that the Commission defer specifics of the video condition to the Police Department to provide more detail as the application moves forward to the City Council; rather than the vague wording of the condition at this time.

Mr. Paschke indicated that the general language of the condition was based on changes in technology and research being performed by the Police Department in what would be a reasonable condition for the applicant in meeting the needs of the Police Department.

Vice Chair Boerigter suggested that the condition clearly state that any video surveillance equipment be satisfactory to the Police Department to identify a suspect vehicle.

MOTION

Member Boerigter moved, seconded by Member Gottfried to RECOMMEND TO THE CITY COUNCIL APPROVAL of a CONDITIONAL USE rendering the existing Pawn America Store at 1713 Rice Street a permitted use; based on the comments and findings of Sections 5 and 6, and the condition detailed in Section 7 of the project report dated May 06, 2009; amended as follows:

- *The original condition shall clearly state that the video surveillance equipment to monitor the shopping center parking areas adjacent to the pawn store tenant space be satisfactory to the Roseville Police Department;*
- *An additional condition that, should a drive-thru be applied for, that application process go through as an amendment within the boundaries of this CUP.*

Ayes: 6

Nays: 0

Motion carried.

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of
2 Roseville, County of Ramsey, Minnesota, was held on the 18th day of May, 2009, at 6:00 p.m.

3 The following members were present:
4 and Member _____ was absent.

5 Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. _____
A RESOLUTION APPROVING A CONDITIONAL USE PERMIT IN ACCORDANCE
WITH §1005.015 AND §1013.01 OF THE ROSEVILLE CITY CODE FOR PAWN
AMERICA LLC AND OSBORN PROPERTIES LIMITED PARTNERSHIP (PF09-011)**

10 WHEREAS, Osborne Properties Limited Partnership own the property referred to as
11 McCarrons Hills Shopping Center, 1685 – 1717 Rice Street; and

12 WHEREAS, the subject property is legally described as:

13 **The Easterly 300 feet of the East half of the Southeast Quarter of the Southeast Quarter of**
14 **Section 13, Township 29, Range 23, except the South 200 feet of the East 200 feet thereof**
15 **and except that part lying North of the center line of the lane running North 79 degrees 35**
16 **minutes West from a point on the east line of said Section 13 distant 575.6 feet North of the**
17 **Southeast corner thereof.**

Torrens Certificate # 257982

PIN 123-29-23-44-0012

18
19
20
21 WHEREAS, through the applicant, Pawn America LLC, the property owners seek to allow the
22 expansion of the Pawn America use, which is a conditionally permitted use in the applicable
23 General Business Zoning District; and

24 WHEREAS, The Roseville Planning Commission held the public hearing regarding the
25 requested CONDITIONAL USE, voting 6-0 to recommend approval of the request based on
26 public comment and the comments and findings of the staff report dated February 6, 2008 and
27 revised conditions; and

28 WHEREAS, the Roseville City Council has determined that approval of the requested
29 CONDITIONAL USE will not adversely affect conditions on, or value of, nearby properties and
30 will not compromise the health, safety, and general welfare of the citizens of Roseville;

1 NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE
2 the request for a CONDITIONAL USE in accordance with Section §1013.01 of the Roseville
3 City Code, subject to the following conditions:

4 1. The pawnbroker/applicant shall install video surveillance equipment
5 (stationary cameras) to monitor the shopping center parking areas adjacent to
6 the pawn store tenant space such that the captured video can help law
7 enforcement personnel identify vehicles used by people pawning stolen
8 merchandise; the digital or analog video shall be retained by the pawnbroker
9 and made available to law enforcement personnel for a minimum of one
10 hundred twenty (120) days. Pawn America currently has three outdoor
11 surveillance cameras that may be of appropriate quality and location.
12 However, the Roseville Police Department will review the existing quality
13 and location and work with Pawn America on an acceptable set-up.

14 2. Any drive-thru considered for the Pawn America use, shall be considered an
15 amendment to the Conditional Use and subject to the amendment process.
16

17 The motion for the adoption of the foregoing resolution was duly seconded by Council
18 Member _____ and upon vote being taken thereon, the following voted in favor:

19 and _____ voted against;

20 WHEREUPON said resolution was declared duly passed and adopted.

