

February 28, 2012

Members,
Memphis and Shelby County Land Use Control Board,
Memphis City Council and
Shelby County Board of Commissioners

Sent via electronic mail

Ladies and Gentlemen:

I would like to take this opportunity to express my support for the amendments proposed to the Memphis and Shelby County Unified Development Code (the "UDC") that have been presented to you by the Office of Planning and Development.

The current Use Table of the UDC (see Chapter 2.5), which stipulates the permitted uses in each zoning district, does not match the Use Chart of the old Zoning Code. This has resulted in confusion among commercial real estate brokers and owners and has placed commercial tenants in the precarious position of being considered non-conforming uses. One particular example has occurred at a property I own. Under the Use Chart of the old Zoning Code, tattoo parlors were considered general retail and permitted in all commercial zoning districts. Under the UDC, however, tattoo parlors are a separate retail type and are only permitted in the "higher" commercial zoning districts. Not only has this placed a challenge to the marketability of my property, but, in my mind, it fails to follow good principals of land use planning. For instance, bars and restaurants that serve alcohol are permitted in all commercial zoning districts; it seems to me that tattoo parlors create no more traffic or potential negative impact on their neighbors as do bars and restaurants.

The proposed amendments to the UDC not only address the subject of tattoo parlors, but numerous other residential, commercial and industrial uses that were permitted under the old Zoning Code but no longer permitted under the UDC. These will not only keep existing businesses in place in the City of Memphis and unincorporated Shelby County, but also avoid the prospect of future users from seeking expensive and onerous zoning changes just to obtain the same rights they enjoyed under the old Zoning Code.

Again, I wholeheartedly support this zoning text amendment.

Sincerely,

Joyce Avery

April 2, 2012

Josh Whitehead
Planning Director
Office of Planning and Development
125 North Main Street
Memphis, TN 38103

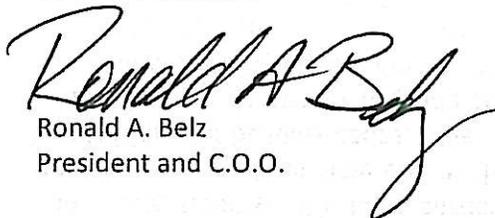
RE: Unified Development Code

Dear Josh:

Our organization has a long history of varied real estate development activities throughout Memphis and Shelby County. We have participated in our city's efforts to improve our built environment in numerous ways. Over time one of the principal tools that have been used is the adoption of zoning, subdivision and building codes. Over the recent past the **Unified Development Code** was created as a comprehensive document to guide activities. We, along with many others, spent many days thinking about and working on the document. However, as thoughtful and deliberate as everyone involved were, the creation of an ordinance greater than 400 pages of technical codes is a mammoth task. I recall that the Legislative Bodies recognized this and stated their expectation that this effort would need to be revisited and amended within about a year to begin the process to iron out the gaps and conflicts that would undoubtedly appear during its implementation.

We are quite familiar with the amendments that are being proposed to the UDC. They will be beneficial in helping to create a clearer roadmap for development that is efficient for everyone involved and encourages future beneficial investment throughout our community. We believe that this set of amendments reflect those that are most important at this time and hope that they will be well received by our Legislative leadership. We want to provide our support for the earliest adoption of these amendments.

Sincerely,
BELZ ENTERPRISES



Ronald A. Belz
President and C.O.O.



Lesley Harding Binkley III
Vice President
direct (901) 766-4219
fax (901) 766-4278
lhb@boyle.com

February 14, 2012

Mr. Josh Whitehead, AICP
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

RE: UDC Amendments

Mr. Whitehead:

We have spent a good amount of time reviewing your proposed amendments to the UDC and would like to give you our support as you take the amendments through the approval process of the various governing bodies.

You and your staff have done a lot of work and we appreciate your commitment to the promise that was made to review the newly adopted UDC and adjust language where appropriate. It is important to make necessary corrections once deficiencies have been identified.

Very truly yours,

Lesley Harding Binkley III



FARRIS BOBANGO BRANAN PLC

ATTORNEYS AT LAW

999 S. Shady Grove Road, Suite 500 / Memphis, TN 38120
901-259-7100 / Fax 901-259-7150
www.farrishobango.com

February 15, 2012

VIA E-MAIL

Josh Whitehead, AICP
Director of Planning
4th Floor
City Hall
Memphis, Tennessee 38103

Re: UDC Amendments to Use Chart

Dear Josh:

We have reviewed the proposed amendments to the Use Chart in regard to employment uses and find it more compatible with the uses in the previous Code. We believe this will make it simpler and easier to use and understand and will have less effect on certain uses that became nonconforming under the new Code. We support the changes that you have proposed. If you have any questions or comments, do not hesitate to contact us.

Very truly yours,

FARRIS BOBANGO BRANAN PLC

By: 

Homer B. Branan, III

HBB:cwa

G:\DATA\HBB\UDC\Whitehead, Josh 021512.doc



To whom it may concern:

We are interested in opening Memphis' first legal distillery since prohibition. We plan to capitalize on the things that make our community great, such as southern hospitality, rich culture, and our great artesian wells. Unfortunately, due to current zoning laws we find ourselves stymied by ill-fitting regulation.

The new UDC would be a great benefit for our small local business. By creating a special code for our business, as well as other artisanal operators, the new UDC will go a long way in helping us secure a location. This new UDC is one in which we could more easily grow and expand, hire local workers, and cultivate our local economy.

We urge you to pass this code allowing us to produce a product the whole city can be proud of.

Sincerely,

Matthew Brown

Ryan Hanson

Kings Spirits Inc.
P.O. Box 111493
Memphis, TN 38111

Laurie L. Christensen
Staff Attorney
laurie.christensen@bmhcc.org



350 N. Humphreys Blvd.
Memphis, TN 38120-2177
Main Tel: 901.227.6685
Fax: 901.227.6664

February 16, 2012

Josh Whitehead, AICP
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
City Hall, 125 N. Main St., Ste. 468
Memphis, Tennessee 38103

Re: Proposed Amendments to the Unified Development Code

Dear Mr. Whitehead,

I have reviewed the proposed amendments to the Memphis and Shelby County Unified Development Code and would like to express my support for these amendments. I have had a number of opportunities to use the Code in the past several years while working on projects for Baptist Memorial Health Care Corporation and Baptist Memorial Hospital - Memphis. I found the proposed amendments to be very well-written and appreciate the way these amendments will make the Code easier for me to navigate and understand in the future. It is clear to me that the amendments were the result of many hours of work and I want to sincerely thank you and your colleagues for your efforts and for the excellent product of those efforts.

Very truly yours,

Laurie L. Christensen, Esq.
Staff Attorney
Baptist Memorial Health Care



*land planning
landscape architecture*

March 20, 2012

Mr. Josh Whitehead, AICP
Planning Director/Administrator
Memphis and Shelby County
Office of Planning and Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

RE: "UNIFIED DEVELOPMENT CODE"

Dear Mr. Whitehead:

I appreciate the opportunity to review the proposed modifications to the "Unified Development Code". I noticed that online there were some suggestions along with just clearing up understandings which all seemed to be good.

After my review, along with the others comments from their review, all in all the modifications seem to be another step in making the "Unified Development Code" work as intended. I don't believe that a lot of these modifications would have come to light without some time being used through the real project process. I am sure that as time moves forward in the growth and development world there will be other items that will come to the forefront that will require additional amendments. As you know the goal is to polish and make the "Unified Development Code" the best tool of guidance to make Memphis and Shelby County a better place as we all plan the future fabric of our county.

Again, thanks for this opportunity and I agree with the proposed amendments. Please let me know if I can be of any additional help.

Sincerely,

Dalhoff Thomas design|studio

A handwritten signature in black ink, appearing to read 'R Dalhoff', followed by a horizontal line.

Robert Dalhoff
Principal

DALHOFF • THOMAS design | studio

6465 North Quail Hollow Road | Suite 401 | Memphis, TN 38120
voice: 901.751.7911 | facsimile: 901.751.7939

February 20, 2012

Josh Whitehead, AICP
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

RE: UDC Amendments

Mr. Whitehead:

We have reviewed sections of the UDC and the amendments you have proposed. We would like to give you our support in passing these amendments through the required governing bodies. We are particularly sensitive to Sec. 2.6.2C(4) as our neighborhood has been negatively affected by the expansion of a nearby school onto existing platted residential lots. This expansion has compromised the character of our neighborhood and we feel we have the right to a public hearing before schools have the right to use those lots for principal or accessory uses.

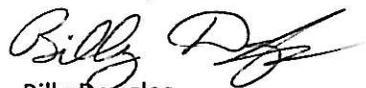
We would like to ask you that if this amendment is in any jeopardy of being removed or re-worded in the approval process, that you please contact us so we may support you in the passage of the current original language as written below:

Sec. 2.6.2(C)

4. Public and private schools shall be required to obtain a special use permit prior to 1) installing or constructing any principal or accessory use or structure on a platted residential lot that does not abut a connector or arterial or 2) using a platted residential lot that does not abut a connector or arterial for any principal or accessory use.

Thank you for your consideration regarding this matter. We are happy to offer our support in the manner that you feel is most productive.

Thank You,



Billy Douglas
Grove Park Neighborhood President
77 North Grove Park Road
Memphis, TN 38117
901 682-3153

From: Adrian Duran [duranadrianr@gmail.com]
Sent: Friday, April 06, 2012 12:07 PM
To: Whitehead, Josh
Subject: rezoning broad ave
Josh-

Do it. Tattoo shops are steady businesses and both promote the arts and employ artists, all of which seem to rhyme with what I have heard the mayor say about his hopes for Memphis. Plus, tattoo shops will ensure the tonal consistency of Broad Avenue in a way that other businesses will not. Think of what has happened to South Main--not to say that it is necessarily bad, but the once active arts district has been tidied up into a boutique-shopping area at the expense of the arts.

Hope you're well.

Adrian Duran, citizen

--

<http://mca.edu/facultyadrianduran>
<http://blog.art21.org/author/adrian-duran/>
<http://adrianduranblog.blogspot.com>
<http://theduranarthistoryblog.blogspot.com>



ASKEW HARGRAVES HARCOURT & ASSOCIATES, INC.

February 27, 2012

Memphis & Shelby County
Land Use Control Board
125 N. Main St., Ste. 468
Memphis, TN 38103

Re: Letter of Support for Amendments to the Unified Development Code

To Whom It May Concern:

I am writing this letter in support of Josh Whitehead, and the Memphis & Shelby County Office of Planning and Development, in favor of the proposed amendments to the Memphis and Shelby County Unified Development Code (the "UDC"). The UDC was approved by the Shelby County Board of Commissioners, and also by the Memphis City Council, in 2010.

I am a Professional Planner and Landscape Architect. I have used the UDC since its adoption. I believe the proposed amendments will correct some of the discrepancies (and, clarify some of the questions) which I have encountered over the past year.

Josh and the staff at Office of Planning and Development have done an excellent job in identifying the necessary modifications and preparing the proposed amendments. I hope you will support and approve the UDC amendments proposed by the Memphis & Shelby County Office of Planning & Development.

Sincerely,

ASKEW HARGRAVES HARCOURT & ASSOCIATES, INC. (A2H)



Jay Easter, RLA, AICP

JE/kll

3009 DAVIES PLANTATION ROAD | LAKELAND, TN | 38002-8215
PHONE: 901.372.0404 | FAX: 901.373.4002 | www.a2h.com

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Mr. Josh Whitehead
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
City Hall, 125 N. Main St., Ste. 468

RE: New Amendments to the UDC

Dear Josh:

On behalf of the Prime Development Group design team we are pleased to add our name to the list of consultants that have reviewed and agree with the proposed amendments. You have been our constant point of contact throughout the conversion from the antiquated Zoning Manual to the new UDC and have been generous with your time and input. We appreciate that the Office of Planning and Development considers the UDC to a living document that must be updated and improved. The UDC amendment process will allow OPD, the City and County Legislative Bodies and consultants with a method to improve the designs and development of Shelby County.

Regards,

Michael J. Fahy
President

February 15, 2012



Shelby County Board of Commissioners
Memphis City Council
Land Use Control Board

Re: Amendments to the Unified Development Code

Dear Members of the Commission, Council and Board:

I am writing in support of your adoption of the Amendments to the Unified Development Code. Mr. Josh Whitehead and The Office of Planning and Development have worked diligently to update this comprehensive document so that it will apply in a logical way to the specific needs and situations found in our community. Now that it's been tested for over a year by developers, neighbors, planners, architects and engineers, the adoption of these amendments will further strengthen the UDC and make it a more sensible instrument to help build our community.

As a former Land Use Control Board member for 20 years, including its chair for four years, I appreciate all the hard work you and your staff at OPD have put into creating the UDC, and I wholeheartedly endorse the approval of these amendments.

Very truly yours,

FLEMING/ASSOCIATES/ARCHITECTS, P.C.

A handwritten signature in black ink that reads "SCOTT FLEMING". The signature is written in a cursive, slightly slanted style.

E. Scott Fleming
Principal/Owner

E. SCOTT FLEMING, AIA • LISA B. NAMIE, AIA • L. GARY GIBSON, AIA

5124 POPLAR AVENUE • SUITE 106 • MEMPHIS, TN 38117 • PHONE (901) 767-3924 • FAX (901) 767-7136
www.flemingarchitects.com

February 21, 2012

Mr. Josh Whitehead
Planning Director
Memphis and Shelby County Office
Of Planning and Development
City Hall, 125 North Main
Memphis, TN 38103

Re: UDC Amendments- Section 2.6.2C4

Dear Mr. Whitehead:

We are writing you to express our support for the proposed changes to the UDC particularly those involving special use permits for the expansion of schools, churches and other non-profit organizations. As residents of Shelby County who have been personally affected by this issue four different times in the last ten years, we appreciate that the Office of Planning and Development is taking a closer look at its policies.

As homeowners, we have been extremely frustrated by the fact that we have little recourse other than costly legal action to stop the razing of homes in our neighborhood for private institutional gain. As taxpayers, we are concerned to see erosion of the city and county tax base. When non-profits are allowed to indiscriminately remove homes that will never be rebuilt, those tax revenues are forever lost.

Updating the UDC will give citizens a stronger voice in their neighborhoods and an opportunity to work together with non-profits to facilitate "win-win" development in our community.

Respectfully,

Dr. and Mrs. Steven J. Fuson

February 28, 2012
File 34632-06

Mr. Josh Whitehead, AICP
Planning Director/Administrator
Memphis and Shelby County Office of Planning and Development
City Hall, 125 N. Main St, STE.468
Memphis, TN 38103

Memphis City Council
125 N. Main St., Room 514
Memphis, TN 38103

Shelby County Board of Commissioners
160 N. Main Street, Suite 450
Memphis, TN 38103

RE: Memphis and Shelby County Unified Development Code Amendments

Dear Mr. Whitehead:

It is my understanding that the proposed amendments to the Unified Development Code are scheduled to go before the Land Use Control Board on March 8 for a recommendation. It will then be forwarded to the Memphis City Council and the Shelby County Board of Commissioners for approval. As you are aware, our firm has worked closely with you and your staff in the processing of the plans for the Cleaborn Homes Hope VI redevelopment. This was one of the first large projects to be processed under the UDC and the assistance of you and your staff in the development and processing of the plans within the UDC was invaluable.

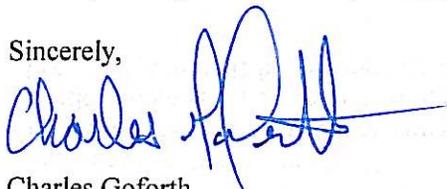
The adoption of the UDC was the most significant revision to the development codes of Memphis and Shelby County in over 40 years that I have worked in the Memphis area. Whenever such a major code revision is undertaken, it typically takes some time to find problem areas and unintended consequences that may arise from such major changes.

I have personally reviewed the proposed Amendments and find that you and the staff have done an outstanding job of finding inconsistencies in the code as well as clarifications and adjustments that need to be made. While this is a good start, I am sure that there will be more changes and adjustments required in the future as we continue to work with the new code.

I would like to formally recommend to the Land Use Control Board, Memphis City Council, and the Shelby County Board of Commissioners that the proposed amendments to the Unified Development Code be approved. My recommendation is based on the amendments as published on the Shelby County Unified Development Code web page.

Thank you for your fine work, leadership and vision on this project along with the hard work of your staff.

Sincerely,



Charles Goforth
Chairman of the Board

From: Galen Gower [galen.gower@gmail.com]
Sent: Friday, April 06, 2012 12:14 PM
To: Whitehead, Josh
Subject: Tattoo studio on Broad Ave.
Mr. Whitehead-

I just want to formally announce my support for Mr. Tabatabai's business as a taxpayer and regular customer of the Broad Ave. arts district. I strongly encourage you and the City of Memphis to change the current codes and allow Mr. Tabatabai's business to open and thrive. I trust in your judgment to recognize that Memphis is made stronger by successful entrepreneurs.

Respectfully,
Galen S. Gower

Whitehead, Josh

From: Kim Halyak [kimhalyak@me.com]
Sent: Monday, March 05, 2012 5:29 AM
To: Whitehead, Josh
Subject: Letter of Appreciation + suggestion to LUCB

Dear Mr. Whitehead,

As I worked out in my beautiful yard this past weekend, I couldn't help but think how appreciative I was of all the help you and your office provided as I went through the confusing process of getting my front yard fence and raised beds built. I cannot give enough praise to you and your staff for the amazingly quick response to all my emails. Even on Saturdays and after normal business hours! Very impressive.

I would like to make a suggestion to the LUCB for the code 4.6.7. for the following reasons:

-Setting the fence back 2 feet from the sidewalk creates a space between the sidewalk and fence that must be filled with something. Whether it's ground cover, shrubs, brick, pavers, etc., it creates a slight grade change from the level sidewalk. As someone who lives on a street well traversed during the Cooper-Young Festival, I worry that someone inebriated after the festival is not going to notice my short Mondo grass planted there and accidentally fall.

-Moving my fence back 2 feet from the sidewalk took a fair amount from my tiny 19.8 deep by 36' foot long yard. This is valuable land that would be used more productively within my fence line than outside it. It required me to change my garden design and narrow my raised beds. Perhaps, this rule can be modified based on the size of the front yard.

-Additionally, I have soaker hoses inside the raised beds but will need to hand water this 2' foot strip outside my fence to maintain it properly.

-I put in raised beds because I am getting older and I have cerebral palsy. Unfortunately, the 2' strip between the fence and sidewalk is at ground level which will make it more difficult to maintain as I get older.

-Another concern about this 2 foot strip is, it now becomes a convenient strip for dogs to leave their business and a place for blown trash to collect.

I hope you will consider these suggestions useful during the next LUCB meeting as you continually tweak the new code. Again, please accept my sincere appreciation for the professional and timely manner you and your staff responded to all my building questions. If all Memphis and Shelby County government offices responded to citizen questions as well as your office did, our city would run a lot smoother.

I wanted to send this letter to the LUCB members but didn't see email addresses or a link on the website to forward this letter on.

Thank you!

Sincerely,
KIM Halyak
899 Blythe Street

**HARKAVY
SHAINBERG
KAPLAN &
DUNSTAN PLC**
ATTORNEYS AT LAW

Ronald M. Harkavy
Raymond M. Shainberg**
Michael D. Kaplan
Allen C. Dunstan
Neil Harkavy
Alan M. Harkavy
Audrey J. Grossman+
Derek E. Whitlock***

Of Counsel:
Laurie A. Cooper*
Steve R. Graber**
Alan L. Kosten

Writer's Direct Dial Number:
(901) 866-5329

Writer's Direct Fax Number:
(901) 866-5410

Writer's E-Mail Address:
rharkavy@harkavyschainberg.com

Also Licensed in:
*** Mississippi
** New York
* Massachusetts
+California

www.harkavyschainberg.com

February 16, 2012

Mr. Josh Whitehead
Planning Director
Memphis/Shelby County
Office of Planning and Development
125 N. Main Street - Ste. 468
Memphis, TN 38103

Re: UDC Amendment

Dear Josh:

I have recently reviewed the amendments proposed for the Uniform Development Code. As you know, I have kept up with all of the revisions over the past many months and to the credit of your office, what is being proposed for approval by the legislative bodies is basically very well done. While I am sure that there will need to be other revisions over the next 2-3 years as problems arise, I think what you have for approval from the legislative bodies is an excellent improvement from what has existed for many years. I would strongly urge you to move this forward as soon as possible, so that we can all work from certainty.

Sincerely,



Ronald M Harkavy

RMH/skb

Kimble and Matt Johnson

From: Kimble Johnson [kimblelynn@gmail.com]
Sent: Friday, April 06, 2012 6:33 PM
To: Whitehead, Josh
Cc: pappyred.johnson@gmail.com; K. N. Zoey Provino
Subject: Ronin Tattoos and Graphics

Hi we're writing to show my support for changing the zoning in the broad ave district to allow Ronin Tattoos and Graphics to occupy the building leased and improved by its owner, tattoo artist Babak Tabatabai.

Best,
Kimble and Matt Johnson

S Berry Jones ♠ Architects

February 28, 2012

Josh Whitehead, AICP
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

RE: Proposed Amendments to the UDC

Josh:

In that I have had firsthand knowledge of the vagaries of the process I do want to express my support for your efforts to simplify and, hopefully, streamline the ASPR procedures and jurisdictions

These amendments you are proposing seem to begin to address this by setting the thresholds for each review at a level that is commensurate with its size and impact on the community. Obviously, this would be helpful and I believe improve the business and development environment for all of the community.

I have found it very difficult to identify what our obligation is with each department (Engineering, Code Enforcement & OPD) and how the specific jurisdiction and fee requirements of each entity apply. A single control point seems to be needed and again this "gatekeeper" should be OPD and again these amendments, in my opinion, are certainly a step in the right direction and I want to express my full support behind your efforts.

Sincerely -

S Berry Jones - Architects

S Berry Jones, AIA
Owner

From: Matty Kime [heyghost@gmail.com]

Sent: Friday, April 06, 2012 3:38 PM

To: Whitehead, Josh

Subject: Babak Tabatabai

Hello,

My name is Matthew Kime and I support the rezoning of 2615 Broad Ave. and to allow for the opening of Ronin Tattoos and Graphics. I am an employee of the diner located next door. Thank you.

Matthew C. Kime

From: aimee lewis [aimeelew@gmail.com]

Sent: Friday, April 06, 2012 12:23 PM

To: Whitehead, Josh

Subject: Ronin Design

Hi Josh,

Just writing to lend my support to the rezoning effort on Broad Avenue so that Ronin Design may open. I frequent several restaurants/bars in the area and I think a diverse mix of uses- business and residential- will only strengthen the neighborhood's growth.

Aimee Lewis
1248 Sledge Ave, 38104
901.288.6481



BROWN MISSIONARY BAPTIST CHURCH

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SENIOR PASTOR

Bartholomew Orr

ASSOCIATE PASTORS

Derrick Anderson

Robert Brumsey

Church Clerk

Elizabeth Harmon

**CHURCH
SECRETARY**

Velma Potts

**CHURCH
ADDRESS**

980 Stateline
Road East
Southaven, MS
38671

**CHURCH
TELEPHONE**

Church Office
(662) 342-6407

Mobile

(901) 601-7202

Church Fax

(662) 342-6408

Web Address:

www.brownbaptist.org

Email:

pastororr@brownbaptist.org

March 9, 2012

Land Use Control Board
Memphis City Council
Shelby County Board of Commissioners

Ladies and gentlemen:

Please allow me this opportunity to support the amendments to the Zoning Code proposed by the Office of Planning and Development. I am Pastor of a church in the City of Southaven that owns and maintains a small cemetery. We would like to expand this cemetery and have an option to purchase the property adjacent to us, but were informed by the Office of Planning and Development that, under the Zoning Code as presently written, this is impossible due to the underlying zoning. Under the Code, cemeteries are only permitted under the CA, CIV, CMU-1, CMU-2 and CMU-3 zoning districts. This property is zoned residential.

Under the proposed language, cemeteries would be permitted in any zoning district, pursuant to approval by both the Memphis City Council and Shelby County Board of Commissioners through the Special Use Permit process. This is in line with state law on the subject. This will greatly facilitate the process for obtaining approval for our expansion.

Thank you very much for your consideration and please do not hesitate to contact me if you have any questions.

Sincerely,

Pastor Bartholomew Orr
Brown Missionary Baptist Church

LAW OFFICES
CHARLES R. PERKINS AND GERALD D. LAWSON, JR.

284 GERMAN OAK DRIVE – SUITE 200
MEMPHIS, TENNESSEE 38018
901-522-9898
FAX NO: 901-522-9962

CHARLES R. PERKINS
GERALD D. LAWSON, JR.

PERKINSLAW@CPERKINSLAW.COM
GLAWSON@CPERKINSLAW.COM

April 11, 2012

Members,
Memphis and Shelby County Land Use Control Board,
Memphis City Council and
Shelby County Board of Commissioners

Sent via electronic mail

Ladies and Gentlemen:

I would like to take this opportunity to express my support for the amendments proposed to the Memphis and Shelby County Unified Development Code (the “UDC”) that have been presented to you by the Office of Planning and Development.

The current Use Table of the UDC (see Chapter 2.5), which stipulates the permitted uses in each zoning district, does not match the Use Chart of the old Zoning Code. This has resulted in confusion among commercial real estate brokers and owners and has placed commercial tenants in the precarious position of being considered non-conforming uses. We currently represent one particular property owner whose business is a palmist/medium and his property, without notice, was down zoned such that he cannot continue to operate. Under the Use Chart of the old Zoning Code, palmist /mediums were considered permitted under the CMU-1 Zoning. Under the UDC, palmist mediums are a separate retail type and are only permitted in the “higher” commercial zoning districts. The parties effected by this change including my client, were not given notice of such changes until afterwards. Our client is asking for nothing more than restore the rights and privileges he exercised under the previous zoning code

The proposed amendments to the UDC not only address the subject of palmist/mediums, but numerous other residential, commercial and industrial uses that were permitted under the old Zoning Code but no longer permitted under the UDC. These will not only keep existing businesses in place in the City of Memphis and unincorporated Shelby County, but also avoid the prospect of future users from seeking expensive and onerous zoning changes just to obtain the same rights they enjoyed under the old Zoning Code.

Again, I wholeheartedly support this zoning text amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'CRP', written in a cursive style.

Charles R. Perkins,
Attorney



March 2, 2012

Mr. Josh Whitehead, AICP
Planning Director / Administrator
Memphis & Shelby County O.P.D.
125 N. Main Street, Suite 468
Memphis, TN 38103

Memphis & Shelby County Land Use Control Board
125 N. Main Street
Memphis, TN 38103

Memphis City Council
125 N. Main Street, Room 514
Memphis, TN 38103

Shelby County Board of Commissioners
160 N. Main Street, Suite 450
Memphis, TN 38103

RE: Amendments to the Unified Development Code

All:

We have looked over the amendments to the Unified Development Code proposed by the Office of Planning and Development staff.

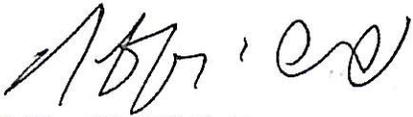
As engineers, we appreciate the efforts of the Planning staff to make this a useful and streamlined document and in particular, **we support the planned changes to the Code.** As residents of Shelby County, we believe these changes are in the best interests of our fellow citizens.

If you have any questions, please feel free to contact me at the number on this letterhead or by email.

Sincerely,
PICKERING FIRM, INC.



Robert J. Pitts, PE
Principal Owner, Civil Department Head



Jeffrey W. Old, P. E.
Senior Civil Engineer

W. H. PORTER CONSULTANTS, PLLC

4821 American Way, Suite 100
Memphis, Tennessee 38118
(901) 363-9453 FAX: (901) 363-2722

Engineers, Planners, Surveyors, Consultants

February 14, 2012

Mr. Josh Whitehead , AICP
Planning Director/Administrator
Memphis & Shelby County Office of
Planning and Development
City Hall, 125 N Main St. RM 468
Memphis, TN 38103

RE: UDC Amendments

Dear Mr. Whitehead,

I have reviewed the proposed amendments to the UDC and would like to take this opportunity to voice my support for this item. This is a very complex ordinance and required substantial effort to fully understand all the implications of the new regulations. The changes being proposed address practical operational characteristics that needed revision to be functional.

Our firm is in it's sixty fourth year in Memphis and we have experienced a lot over those years. We think the UDC with the associated proposed amendments will facilitate sustainable future economic development in Memphis and look forward to working with the new UDC.

Please contact me if you have questions.

Yours Very Truly,
W. H. Porter Consultants, P.L.L.C.



William D. Porter, P.E., R.L.S.



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Memphis, TN 38117 | F901.869.2725

April 3, 2012

Memphis and Shelby County Land Use Control Board
City Council, City of Memphis
Board of County Commissioners, Shelby County
C/o Office of Planning and Development
City Hall, 125 N. Main Street
Memphis, TN 38103

Re: Unified Development Code

Dear Council and Commission Members:

The Shopping Center Group is an Atlanta-based company specializing in retail real estate management, leasing and brokerage. We assist national and regional retailers with their evaluation of locations for new and expanding markets. Currently we exclusively represent over 300 retailers.

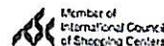
As part of the site selection process, we often work with architects, engineers and developers attempting to develop sites within Memphis and Shelby County. We feel that the work that OPD is doing to amend the Unified Development Code is a real plus for all involved. The new language seems to strike a practical balance; addressing the concerns of both local neighborhoods and the businesses that seek to serve them.

We appreciate the work of the OPD toward making our community a better place to live and work. Please feel free to call me at 901-869-2720 if you have any comments or questions.

Sincerely,

John C. Reed
The Shopping Center Group

theshoppingcentergroup.com





FISHER &
ARNOLD, INC.

March 20, 2012

Memphis City Council
c/o Mr. Josh Whitehead, AICP
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
125 N. Main Street, Suite 468
Memphis, Tennessee 38103

RE: Proposed Amendments to the M/SC Unified Development Code (UDC)

- Architects
- Engineers
- Environmental Consultants
 - Interior Designers
- Landscape Architects
- Planners
- Surveyors

Dear Council:

The proposed amendments to the Memphis and Shelby County Unified Development Code (UDC) being presented by Mr. Whitehead represent positive and/or necessary revisions that will improve the planning process procedures and promote more sustainable development and redevelopment. I hereby give my support for this initiative and ask the Board to approve the proposed amendments.

Thank you.

Sincerely,

Fisher & Arnold, Inc.

A handwritten signature in blue ink, appearing to read 'Michael Rogers', is written over a circular blue stamp.

Michael Rogers, PE, RLS, LEED AP BD+C, CPESC

9180 Crestwyn Hills Dr.

Memphis, TN 38125

(901) 748-1811

(888) 583-9724

fax: (901) 748-3115

www.fisherarnold.com

Marketplace Development LLC

Real Estate Development & Management

771 BROOKHAVEN CIRCLE | MEMPHIS, TN 38117 | ph: 901-761-1022 | fax: 901-328-5791

March 8, 2012

Members,
Memphis and Shelby County Land Use Control Board,
Memphis City Council and
Shelby County Board of Commissioners
c/o Memphis and Shelby County Office of Planning Development
City Hall, 125 N. Main Street, Ste. 468
Memphis, TN 38103

Dear Sirs and Madams:

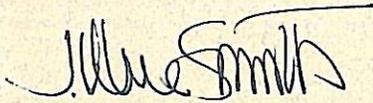
I would like to take this opportunity to express my support for the amendments proposed to the Memphis and Shelby County Unified Development Code (the "UDC") that have been presented to you by the Office of Planning and Development.

I have developed several properties throughout the City under the UDC over the past year and have found the process to be somewhat cumbersome, especially for properties that go through the administrative site plan review (ASPR) process.

While I find the proposed amendments to the UDC helpful in creating a more predictable development process, I am most encouraged by the amendments contained within Chapters 4.1 and 9.12, both of which deal with the necessary thresholds by which the UDC itself is triggered for development and redevelopment projects and when various City agencies are involved in the review process. Setting clear thresholds will make both my job easier when developing properties, as well as the jobs of various City and County employees, some of whom have struggled with interpreting the existing language of the UDC.

In summary, I support the proposed amendments to the UDC and would like to see them adopted.

Kindest Regards,



J. Wise Smith
Marketplace Development, LLC
771 Brookhaven Circle
Memphis, Tn 38117

Office: 901 761-1022
Cell: 901 485-0004
jwsmith@marketplacedevelopment.biz

March 2, 2012

Land Use Control Board
Memphis City Council
Shelby County Board of Commissioners

Dear sirs and madams:

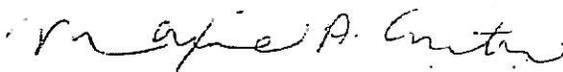
Over the past year, I have been in contact with Josh Whitehead in his capacity as the administrator of the Memphis and Shelby County zoning code, an update of which was adopted by the Memphis City Council and Shelby County Board of Commissioners in 2010. It has come to my attention that Mr. Whitehead has proposed several amendments to the zoning code. I would like to express my support for these amendments.

My particular interaction with the zoning code occurred about a year ago, in which a friend of mine pursued a new tenant in his commercial building on East Raines Road. He was informed by Mr. Whitehead that the new zoning code provided no method of relief, other than a long, six-month rezoning process, to allow a beauty parlor to locate in a structure that has been used for various office and retail uses for the past fifty years. Under the previous zoning code, there had been an easier method of relief.

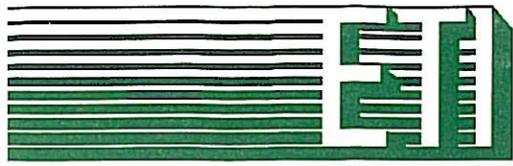
The proposed amendments to the zoning code would not only create an efficient and streamlined process for my friend to seek a variance from the zoning code, but also many other property owners in similar situations throughout Memphis and Shelby County. In today's economy, any unnecessary hurdles to redevelopment and repurposing buildings should be removed.

As such, I enthusiastically support the proposed changes to the zoning code.

Respectfully,



Maxine Smith
1208 East Parkway South
Memphis, TN 38114



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Mark E. Lindstrom
Frank L. Shepherd
H. Daniel Graddy
Stacey O. Morris
Vincent J. Thillen
Christopher E. Perry
Matthew D. Wolfe

February 16, 2012

Mr. Josh Whitehead, Planning Director
Office of Planning & Development
125 North Main Street
Memphis, Tennessee 38103

ASSOCIATES

Douglas M. Baker
Steve R. Hooper
David M. Docauer

Re: **Unified Development Code**

Dear Josh:

I am very familiar with the Unified Development Code and the up-dated version that the Office of Planning and Development has prepared. There are a number of changes to the Ordinance that we have recommended to you as well as several changes that you have initiated that impact our clients.

Rather than filing various variances or planned development correspondence items, several of our clients have been waiting for the amendments. We would appreciate anything that you can do to see that the Memphis and Shelby County Board of Commissioners, and the Memphis City Council has the opportunity to vote on the amendments as soon as possible.

This will help economic development in the City and County to proceed without delays. Appreciate your cooperation. Thanks

Sincerely,

ETI Corporation

Ralph B. Smith
Principal

RBS:gp

Q:\12000\ADMIN\12000L01.DOC

March 2, 2012

Josh Whitehead, AICP
Planning Director/Administrator
Memphis & Shelby County
Office of Planning & Development
City Hall, 125 N. Main St., Ste. 468
Memphis, TN 38103

Re: Unified Development Code & Amendments

Dear Mr. Whitehead:

Please accept this letter as a commentary to the recently updated Memphis and Shelby County Unified Development Code and the associated amendments currently before the Memphis and Shelby County Land Use Control Board. As the Director of Property Management for a commercial real estate company that owns land in the city, the changes and updates to the code are of great importance to me. I have been pleased to see the effort to bring the code up to new standards that more specifically address current issues with the development, particularly redevelopment, within the city.

One of our local properties is Poplar Plaza Shopping Center at the corner of Poplar and Highland. We are in the process of redeveloping a large portion of this center and will be impacted by the amendments both now and in the future. We believe in the code and its accomplishment of providing safety in every aspect to all patrons, yet it is important to properly balance the same in order to pave the way, and in fact encourage, capital improvements and enhancements. With this balance in mind I believe amendments such as the deletion of the maximum ground floor square footage area to be appropriate. In my opinion amendments such as this are a positive improvement to the UDC and as a result I offer this letter in support.

Thank you for your time and please feel free to call me if I can be of any further assistance or offer any additional input on the matter.

Sincerely,



Richard A. Smith Jr.
Director of Property Management

From: Meghan Stuthard [meghanshelby@gmail.com]
Sent: Friday, April 06, 2012 1:04 PM
To: Whitehead, Josh
Subject: proposed change to zoning code for Babak Tabatabai's studio
Mr. Whitehead,

I, along with many others, signed a petition (<http://www.change.org/petitions/ronin-tattoos-and-graphics>) in support of a zoning change for Babak Tabatabai to open his new tattoo studio in the Broad Avenue Arts District.

First off, I can't express how strongly I feel that what Babak does is very much a form of art, and denying him a zoning change is sending a very clear message to the many hardworking and professional people who work in the tattoo and graphic design industries that what they do is bogus. Art shouldn't be measured by the medium it is expressed in. The Broad Avenue area is up and coming, and its progress can't be hindered by the narrow-minded thought process that a tattoo shop is bad news. All the area businesses are in support of this man and his efforts, as are his friends and family. The men working for him as graphic design artists are well-known around town as photographers (George Hancock) and small business owners (Donald Davidson, The Crazy Noodle). I believe that times are changing, and tattoo work, taboo as it may be to some people, is growing steadily in popularity. One day, I'd like to think that cities will look back on these zoning restrictions as outdated and old school.

Secondly, I am well acquainted with Babak as a person. He is a devoted father and a good friend. This is a man that escaped his home country to settle in America and raise his child here. What sort of message does it send to him that here, in a place he came to be granted freedom, he is being told that his own personal American Dream is at risk?

I am very much in support of his business and the prosperity it could bring to not only himself and his coworkers, but his next door neighbors at Three Angels Diner, an entrepreneurial family themselves (Jason and Rebecca Severs). I hope that this zoning change can be enacted, and that Broad Avenue's rebirth will continue as a booming arts district.

Best,

Meghan Stuthard
The Hi-Tone Cafe

3026 Laurencekirk
Memphis, Tennessee 38128
901-357-6381
March 22, 2012

Mr. Josh Whitehead
Planning Director, Mphs. & Shelby County
Office of Planning & Development
City Hall 125 N. Main Ste. 468
Memphis, TN 38103

Dear Mr. Whitehead,

Thank you so much for advising us, the Raleigh Community Council Board, of the amendment to the Zoning Code that you are preparing to make it clear that work release centers, correctional facilities and dormitories would not be allowed on Austin Peay Highway in Raleigh. We discussed this at our Board meeting and it was their desire that I write to you.

As you know, the Board and members of the Raleigh Community Council are very diligent in our efforts to keep Raleigh a safe and desirable place to live and are very happy to have the Code amended to make it clear that such a facility that was proposed last year for the Broadmoor property in Raleigh will not be allowed. We appreciate the cooperation we have received from the Mayor and Councilmen of the City of Memphis and we appreciate you and the work of your office.

Please continue to keep us informed of any matters that would need our support. We look forward to a continued association with you and your office.

Sincerely yours,



Imogene Tisdale
President Raleigh Community Council

CC: Raleigh Community Council Board

WALKER
COMMERCIAL
PROPERTIES, LLC.

February 14, 2012

Mr. Josh Whitehead
Planning Director Memphis & Shelby County
Office of Planning & Development
125 N. Main Street
Suite 468
Memphis, TN 38103

RE: Amendments to the Memphis and Shelby County Unified Development Code

Dear Mr. Whitehead:

Please allow this letter to show my support for the proposed amendments that staff has recommended for the Memphis and Shelby County Unified Development Code. The obvious intent for the City and County to establish the UDC was to improve on the quality of development within the City and County limits and to have one document control this process. Given the amount of time and effort placed into creating the UDC, we must be careful in making any changes to such document. However, it is reasonable to assume that once a single 459 page document (that incorporated zoning, subdivision and other development related regulations and a broad spectrum of ordinances for both the City and County) is adopted; that after a certain time period of working under such document, issues will arise that need to be addressed. It appears to me that the amendments proposed are not altering the intent of the UCD. The amendments appear to be clarifying the intent of the document and streamlining the development process, while still balancing the control process. For that reason, I support the proposed amendments and wish you success in a more efficient UCD.

Sincerely,



John B Walker

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Whitehead, Josh

From: Whitehead, Josh
Sent: Tuesday, February 28, 2012 10:53 AM
To: 'headspop@yahoo.com'
Subject: RE:

Email received.

Thank you.

-Josh Whitehead

From: Mike Williams [mailto:headspop@yahoo.com]
Sent: Monday, February 27, 2012 6:09 PM
To: Whitehead, Josh
Subject:

Mr. Josh Whitehead, Memphis and Shelby County Land Use Control Board,
Memphis City Council and Shelby County Board of Commissioners

Thank you for updating the Unified Development Code to allow for certain home occupations. In today's economy, the costs associated with owning or renting a building for supplemental or part time income could easily negate any profits and result in failure of the business. It is easier and more cost effective to have a home based business, where one could use the funds associated with building rental, for internet sales or marketing to first build the business, so that in the case of failure, loss would be lessened. Also, one gets to spend more time with family, building memories and teaching their children valuable skills for the future.

Again, thank you for your time and commitment in updating the Unified Development Code to allow for certain home occupations.

Sincerely,

John M. Williams
7012 Country Walk Drive
Cordova, TN 38018

2/28/2012

Whitehead, Josh

From: Michael Williams [mwilliams@evanspetree.com]
Sent: Wednesday, February 15, 2012 10:40 AM
To: Whitehead, Josh
Subject: Amendments to UDC

To the members of the Land Use Control Board, Memphis City Council and Shelby County Commission:

I am a practicing attorney who has spent the last 39 years handling land use matters in Shelby County. I have reviewed the amendments to the UDC proposed by Josh Whitehead as well as the staff reports addressing those amendments. I support the proposed amendments and trust that you will agree to adopt them in the best interest of the City of Memphis and Shelby County.

Thank you for your time and attention.

Michael C. Williams

Michael Williams
Attorney at Law

EVANS | PETREE PC
1000 Ridgeway Loop Road, Suite 200
Memphis, Tennessee 38120
Phone: 901.525.6781 | Direct: 901.521.4592
Fax: 901.521.0681 | Direct Fax: 901.374.7507

mwilliams@evanspetree.com
www.evanspetree.com

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IRS Circular 230 requires that we inform you that the advice contained herein is not intended to be used, and it cannot be used, for the purpose of avoiding penalties that may be imposed by the Internal Revenue Service

Martha Wright
Founder/Director
West TN Youth Chorus/West TN Children's Chorus
Producer-Crossroads Children's Chorus Festival
Crossroads Celebrity Concert

April 6, 2012

Memphis and Shelby County Land Use Control Board,
Memphis City Council and
Shelby County Board of Commissioners
Sent via electronic mail

Dear Ladies and Gentlemen:

I whole-heartedly support for the amendments proposed to the Memphis and Shelby County Unified Development Code (the "UDC") presented to you by the Office of Planning and Development.

I feel that Josh Whitehead has taken a "common sense" approach to this proposed amendment which will be a great benefit to the mid-south in promoting clarity, growth, and progress.

In my situation, I feel that having this change will allow me to bring growth to the mid-south by expanding my current arts program. The West TN Youth Chorus, as ambassadors of the mid-south, has received numerous honors and opportunities, including two invitations to perform for the Presidential Christmas Tree Lighting—Lighting of the National Christmas Tree for Presidents Clinton and George W. Bush.

I personally have had interest in developing properties located in the areas impacted by these Codes which I feel are antiquated, and consequently, my moving forward to develop these properties has stifled me personally, which in turn has affected the growth of this area.

I hope this amendment is passed.

Sincerely,
Martha Wright



AT THE LORRAINE MOTEL

February 20, 2012

Mr. Josh Whitehead
Planning Director, Memphis & Shelby County
Office of Planning & Development
125 N. Main Street
Suite 468
Memphis, TN 38103

Dear Mr. Whitehead:

I am writing to express support for the proposed amendments to the Memphis and Shelby County Unified Development Code. As the project manager for the National Civil Rights Museum's renovation, I have experienced the UDC as a lay person and the interpretive challenges that it presents. I welcome your effort to streamline ordinances, language, responsibility and authority.

One of our goals with our renovation project is to engage as many minority- and women-owned businesses as possible. With that perspective in mind, I feel that changes such as the proposal to shift authority for special exceptions to the Land Use Control Board makes the process more affordable for smaller and minority-owned businesses.

Sincerely,

Tracy Lauritzen Wright
Director of Administration & Special Projects

450 Mulberry Street
Memphis, Tennessee 38103
901/521-9699
901/521-9740 fax