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March 27, 2013

TO: Commissioner Terry Roland, Chairman
Land Use, Planning, Transportation and Codes Committee

FROM: Brenda P. Solomito - Solomito Land Planning
Consultant to Mr. Don Carson

RE: ZTA 13-001CC, Amendments to the UDC
Automotive Service and Repair in CBD

Mr. Chairman:

Thank you for the opportunity to present this case to you and to express my support for the proposed Zoning amendments being discussed today. I am working with Mr. Don Carson, owner of Carson Frame and Alignment Services, located at 620 and 630 Marshall Avenue and is zoned Central Business District (CBD) Zoning District.

Mr. Carson has been operating as an alignment operation on this site for 40 years and wishes to expand his services to include automotive repair and to construct a new building on the site. Up until the adoption of the Unified Development Code, Mr. Carson's business was a use permitted by right.

Although this project is located within the City of Memphis and will never come before the Shelby County Board of Commissioners for review or approval, I hope to shed some light on the issues that are truly problematic for small business owners. Unfortunately, attempting to gain these approvals and permissions is truly process driven and indiscriminate to size or value.

Please note that I am donating my services and the services of my team members to Mr. Carson because his case is so severe and truly unjust. Ultimate Financial Cost for this Economic Expansion - A minimum of $18,000 plus the actual cost to Mr. Carson for his new building, plus any landscaping and any actual physical site improvements that may be imposed by city engineering and OPD.

Ultimate request is to grant Mr. Carson permission to be able to continue the business he has been operating or 40 years and to be able to add services to his business that will benefit the community.

Special Use Permit

Minimum 90 Day process, 120 DAYS IF A "Hold" is enacted.
Required neighborhood notice of all property owners within 500'.
Required neighborhood notice of all tenants/renters within 500'
Required notice to all neighborhood associations within 1,500'.
Required neighborhood meeting within 10 days of the LUCB meeting and must be coordinated with at least two associations on the time and place of the meeting.
Public posting of signs at the property.
Public Hearing at the LUCB
Public Hearing at the Memphis City Council.

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Board of Adjustment

The requested variances in this instance will be long and varied. There is no way that the existing building or proposed building can be brought into conformance or be constructed to function efficiently.

The burden of proof is on the applicant to prove practical difficulty or physical hardship and the threshold is very high. The majority of the buildings in most of the older neighborhoods are currently non-conforming, a huge deterrent to business development and expansion.

Thank you for the opportunity to discuss this issue with you. I hope you will support the proposed amendments and take into consideration other small business owners and property owners like Mr. Carson.