



City of Bartlett
David Parsons, Mayor

BOARD OF ZONING APPEALS AGENDA

Thursday, May 15, 2025 — 6:30 p.m.

Bartlett City Hall Assembly Chamber

Approval of Minutes and Findings of Fact of the April 17, 2025 meeting.

New Business

PUBLIC HEARING

1. Josh Burnette, on behalf of Raleigh Primitive Baptist Church, is requesting a variance from the minimum landscape buffer requirement of the Bartlett Zoning Ordinance. The subject property is located at 7247 Andrews Road within the "RS-18" Single Family Residential Zoning District.
2. Dedrick Brittenum, Jr., Brittenum Law PLLC, and Christine Donhardt, The Reaves Firm, on behalf of the property owner, Andrew Marcus, Jason Assoc. LLC/Catherine Partnership is requesting a variance to allow a Dollar Tree as a small box retail use to be located at 6860 Summer Avenue. The subject property is within the "C-H" Highway Business Zoning District.

Discussion

Decision

Open Discussion

The public shall be provided an opportunity to address the Board or Commission during an Open Discussion period at the end of each regular and special meeting of the governing body. Prior to the start of the meeting, individuals will be required to complete and present to the Clerk the Open Discussion Citizen form provided at each meeting. The Open Discussion period for regular and special meetings of the Board or Commission shall be limited to twenty (20) minutes. Individuals shall be allowed to speak for up to three (3) minutes each. Open Discussion periods will not be held for any meeting where there are no actionable items on the agenda or meetings where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body.

Adjourn

BOARD OF ZONING APPEALS
THURSDAY, May 15, 2025 - 6:30 P.M.
Staff Comments

New Business
PUBLIC HEARING

- 1. Josh Burnette, on behalf of Raleigh Primitive Baptist Church, is requesting a variance from the minimum landscape buffer requirement of the Bartlett Zoning Ordinance. The subject property is located at 7247 Andrews Road within the “RS-18” Single Family Residential Zoning District.**

INTRODUCTION: Josh Burnette, on behalf of Raleigh Primitive Baptist Church, is requesting a variance from the minimum landscape buffer requirement of the Bartlett Zoning Ordinance. The subject property is located at 7247 Andrews Road within the “RS-18” Single Family Residential Zoning District.

BACKGROUND: The subject property is Lot 56, Block A of the Ellendale Highway Subdivision recorded on Plat Book 9, Page 90 in April 1929. At some time prior to annexation by the City of Bartlett in 1977, a church was constructed on the subject property. In 1995, the subject property received site plan approval and a building permit for a one-story addition to the rear of the existing church. In July 2024, the Board of Zoning Appeals approved a variance from the minimum side yard building setback requirement of the Bartlett Zoning Ordinance in relation to the proposal for a drive-thru Portico addition along the east elevation of the church building.

APPLICANTS' REQUEST SUMMARY: The specific request by the applicant is to add 29 parking spaces to the existing parking lot that already encroaches into the required twenty (20) foot wide landscape buffer along the east property line between the residential and nonresidential use nearly up to the property line in some places. More specifically, the applicant is proposing a 3.45 (three point forty-five) foot landscape buffer instead of the required twenty (20) foot buffer for the new parking lot addition. This application is based on special conditions and circumstances that exist which are peculiar to the lot. In particular, the subject property is narrow, and the use of the property as a church requires the twenty (20) foot wide nonresidential/residential landscape buffer as a built-in buffer for nonresidential uses adjacent to residential uses. The existing parking lot along the east property line is currently encroaching into the required landscape buffer nearly to the property line. This application is requesting a variance from the Bartlett Zoning Ordinance, to allow a reduction from the

Landscape Plate 23D width requirement of twenty (20) feet along the east property line.

The specific request for the variance is from Article VI, Section 23, Part III (D) (6) (a) [Tree and Landscaping, Development other than Single Family Residential] of the Bartlett Zoning Ordinance, a twenty foot deep (20') landscape screen, Plate 23D, shall be provided at the boundary between single family residential use (or zoning, if the land is vacant) and all other land uses, on the property of the other use. The applicant is requesting a three point forty-five (3.45) foot landscape screen width.

Should the Board of Zoning Appeals grant this variance, the required Landscape Plate 23D along the east property line will be reduced from the required twenty (20) feet to three point forty-five (3.45) feet resulting in a sixteen point fifty-five (16.55) foot variance for the property located at 7247 Andrews Road.

Comments:

1. The applicant must obtain Site Plan approvals from both the Planning Commission and Design Review Commission.

Proposed Motion: To approve the request for the required Landscape Plate 23D along the east property line to be reduced from the required twenty (20) feet to three point forty-five (3.45) feet resulting in a sixteen point fifty-five (16.55) foot variance for the property located at 7247 Andrews Road.

ACTION: MOTION BY _____ SECONDED BY: _____

VOTE:	Conroy	Burton	Hunt	King	Kaiser
YES	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain

2. **Dedrick Brittenum, Jr., Brittenum Law PLLC, and Christine Donhardt, The Reaves Firm, on behalf of the property owner, Andrew Marcus, Jason Assoc. LLC/Catherine Partnership is requesting a variance to allow a Dollar Tree as a small box retail use to be located at 6860 Summer Avenue. The subject property is within the "C-H" Highway Business Zoning District.**

INTRODUCTION: Dedrick Brittenum, Jr., Brittenum Law PLLC, and Christine Donhardt, The Reaves Firm, on behalf of the property owner, Andrew Marcus,

Jason Assoc. LLC/Catherine Partnership is requesting a variance to allow a Dollar Tree as a small box retail use to be located at 6860 Summer Avenue. The subject property is within the "C-H" Highway Business Zoning District.

BACKGROUND: The subject property is located within Phase 2 of the Stage Summer Subdivision on Lot 2. The site was a K&B and Rite Aid drug store. The current use is the Beauty Land retail shop. The building is 12,690 square feet.

APPLICANTS' REQUEST SUMMARY: The applicant is requesting a variance from the two (2) mile separation minimum use requirement from another small box retail store within the City limits and outside of the City limits to allow a Dollar Tree as a small box retail use to be located at 6860 Summer Avenue. A Dollar General small box retail store is located zero point four (0.4) miles from the subject property, which would require obtaining a one point six (1.6) mile variance from the two (2) mile separation minimum use requirement from another small box retail store.

Ordinance 23-10 was approved by the Board of Mayor and Aldermen on January 9, 2024. This ordinance was drafted and approved by the Board of Mayor and Aldermen after receiving overwhelming citizen feedback to address the growing number of small box retail stores, liquidation stores, and liquidation warehouse locations within the commercially zoned areas throughout the City. While the City recognizes that these stores provide both convenience and savings to our citizens, these stores offer mostly inexpensive, highly processed, low-nutritive foods and beverages rather than fresh, nutritious food, the City desires to promote the availability of fresh and quality foods in the City of Bartlett. While the number of these stores continues to increase, this results in a decrease in the availability of high-demand, commercially zoned locations suitable for a higher class chain of grocers and retailers that would support our citizens' demands and the City's economic base. A diversity of retail options has the potential to revitalize commercial centers and improve access to a healthy diet to the people of Bartlett. The purpose of Ordinance 23-10 is to regulate the location and operation of small box retail stores, liquidation stores, and liquidation warehouse sellers in order to provide more opportunities for product sales, greater diversity of retail options, and the availability of fresh and quality foods in the City of Bartlett.

APPLICABLE PROVISIONS OF THE BARTLETT ZONING ORDINANCE

Article I, Section 2, Definitions, of the Bartlett Zoning Ordinance, defines "Small Box Retail Store" as "retail stores that are less than 15,000 square feet in floor

area that sell a variety of goods directly to consumers for ten dollars (\$10.00) or less. In addition, the majority of goods are sold at prices that are less than MSRP or regular retail prices. Pharmacies and grocery stores are exempt from this definition."

Article V, Chart 1, "Uses Permitted in Zoning Districts" of the Bartlett Zoning Ordinance allows "Small Box Retail Store" use in the City, with the approval of a Special Use Permit, within the "C-G" General Business Zoning District, the "C-H" Highway Business Zoning District, and "SC-1" Planned Unit Commercial Development."

Article VI, Section 31, Supplementary Regulations for "Small Box Retail Stores" of the Bartlett Zoning Ordinance defines the following use conditions:

1. Small box retailers are required to submit a Special Use Permit application to the Bartlett Planning Commission for review and to obtain Special Use Permit approval from the Bartlett Board of Mayor and Aldermen.
2. A small box retail store must be separated from another small box retail store at a minimum distance of two (2) miles within the City limits and outside of the City limits when a location is being selected within the City of Bartlett's jurisdiction.
3. Small box retail stores are not permitted to have outdoor displays, sales or storage unless the outdoor displays, sales or storage is in-conjunction with a Special Event Permit.
4. Small box retail stores are not permitted to sell secondhand goods.
5. Small box retail stores must be professional, organized and neat in appearance; clean and sanitary both inside and outside of the store at all times. No more than ten percent (10%) of the floor area may have items displayed for sale in bins.
6. Any small box retail store location approved prior to the effective date of this section shall be considered a legal nonconforming use.

Article IX, Subsection C, BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS, REVERSING DECISION OF THE BUILDING OFFICIAL of the Bartlett Zoning Ordinance, provides that: "[i]n exercising the above mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken."

Staff considers that granting the proposed use of the subject property would not be in conformity with the terms of the Bartlett Zoning Ordinance and would have the same effect as granting a variance to allow a use not permissible under the terms of the Bartlett Zoning Ordinance. Should the Board of Zoning Appeals grant this appeal, a use not permissible under the terms of the Bartlett Zoning Ordinance in the C-H Highway Business Zoning District, or a use expressly or by implication prohibited by the terms of the Bartlett Zoning Ordinance in said district would be allowed.

The specific request for the variance is from Article VI, Section 31, (2) Supplementary Regulations for "Small Box Retail Stores" of the Bartlett Zoning Ordinance. "A small box retail store must be separated from another small box retail store at a minimum distance of two (2) miles within the City limits and outside of the City limits when a location is being selected within the City of Bartlett's jurisdiction." The applicant is requesting a separation distance of zero point four (0.4) miles from the subject property.

Should the Board of Zoning Appeals grant this variance, the required separation distance between "Small Box Retail Stores" will be reduced from the required two (2) mile radius to zero point four (0.4) miles, resulting in a one point six (1.6) mile variance for the required separation distance between "Small Box Retail Stores" use for the property located at 6860 Summer Avenue.

Comments:

1. The applicant must submit a Special Use Permit application to the Planning Commission for review and to obtain Special Use Permit approval from the Board of Mayor and Aldermen.
2. The applicant must obtain Site Plan approvals from both the Planning Commission and Design Review Commission.

Proposed Motion: To approve the request for the required separation distance between "Small Box Retail Stores" use to be reduced from the required two (2) mile radius to zero point four (0.4) miles, resulting in a one point six (1.6) mile variance for the required separation distance between "Small Box Retail Stores" use for the property located at 6860 Summer Avenue.

ACTION: MOTION BY _____ SECONDED BY: _____

VOTE:	Conroy	Burton	Hunt	King	Kaiser
YES	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No

ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain
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BZA Variance Application

Date: 04/14/2025

Project Information

Project Name: Raleigh Primitive Baptist
Parking Expansion

Location: 7247 Andrews Road

Description: See letter and application

Applicant / Owner

Applicant Name: Josh Burnette
Company Name: RDS
Address: 3157 Hwy 64 Suite 200
City, State, Zip: Eads, TN, 38028
Phone: 901-605-2998
Email: josh@rendevco.net

Owner Name:
Company Name:
Address:
City, State, Zip:
Phone:
Email:

I do hereby certify that the information contained herein is true and correct.

Josh Burnette
Name

04/14/2025
Date

**Bartlett Planning and
Economic Development Department**
6382 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Bartlett Board of Zoning Appeals
Application for Variance Approval

Property Address for which Variance Is Requested 7247 Andrews Road

Description of Variance Requested (separate letter or sheet may be attached) _____

Raleigh Primitive Baptist Church requests a variance to permit parking spaces within the 20-foot landscape buffer along the boundary with adjacent residential properties. The existing driveway already encroaches into this buffer, and additional parking is needed to meet onsite demands for church activities. The adjacent properties to the east are deep, with existing homes approximately 235 feet from the church property and about 170 feet of vegetation providing a substantial buffer.

Property Owner Raleigh Primitive Baptist Phone 901-385-8262

Company Name _____ Fax _____

Address 7247 Andrews Road

Applicant Josh Burnette Phone 901-605-2998

Company Name Renaissance Design Studio Fax _____

Address 3157 Hwy 64, Suite 200, Eads, TN 38028

Submitted by Josh Burnette
(printed name) (signature) (date)

Email Address josh@rendevco.net Phone 901-605-2998 Fax _____

_____ Attach a checked-off “**Variance Checklist**” and all items required therein.

_____ Include a fee of \$300.00 with this application (check payable to the City of Bartlett).

_____ Provide an electronic PDF file of the plans. Note that an updated electronic file is required when plans are revised. The electronic file shall be labeled with the project name and accurately dated.

I, the property owner(s) hereby authorize the filing of this application.

David Reaves, David Reaves 04/14/25
(print name) (signature) (date)

**Bartlett Planning and
Economic Development Department**
6382 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Variance Checklist

The applicant shall provide the following information twenty (21) days prior to the scheduled hearing date.

This information shall be provided on sheets 8½" x 11" in size or folded to that size. **Ten (10) sets of this information shall be submitted**, with each set containing one copy of each document.

- x 1. This application form.
- x 2. A Plot Plan showing subject property and public street rights-of-way. If the property is encumbered by easements, show the type and location on the Plot Plan.
- x 3. The names and addresses of all property owners within three hundred (300) feet of the applicant's property or a minimum of ten (10) property owners, whichever is greater.
- x 4. One copy of the names and addresses required in #3 above on self-adhesive mailing labels.
- x 5. A Vicinity Map showing the subject property and all parcels within the distances described in #3 above. Every parcel shall indicate the owner's name and the street that each parcel fronts upon.
- x 6. A written explanation demonstrating how the following requirements are met.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the

applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

- c. The special conditions and circumstances do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

(Note: "No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.")

- x 7. Any other information deemed necessary and requested by the Board.

The applicant should attend the meeting of the Board of Zoning Appeals, to present and answer questions on this application. The meeting is normally at 6:30 p.m. on the third Thursday of each month, at City Hall, 6400 Stage Road.

Questions also may be sent by email to the Department's planners:

- Kim Taylor, ktaylor@cityofbartlett.org
- Sam Harris, samharris@cityofbartlett.org
- Leslie Brock, leslie.brock@cityofbartlett.org

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED



Legend

polygonLayer


- Override 1
- Override 2

polylineLayer

- Override 1

—Roads

▭Parcels

 Map prepared through Shelby County Government's online mapping Portal on 4/14/2025

0 0.03 0.06 0.09 0.12 mi

N

B0157 00172 - SMITH RYAN A & JENNIFER E
B0157 E00019 - CSMA BLT LLC
B0157 00413 - MCNATT JACOB E & COURTNEY A
B0157 J00072 - BERNARD JOHN M & KIMBERLY S
B0157 J00076 - MARTINIE JENNIFER & JUSTIN
B0157 J00077 - JACKSON PALMER B & MARCIA R
B0157 J00078 - HOLT VIRGINIA O (ESTATE OF) (1/2) AND
B0157 J00079C - JACQUES DEMI & AARON
B0157 J00083 - JACQUES GARY M & RONDA R
B0157 00412 - SIMS BETTY LIVING TRUST
B0157 J00073 - BOYLE MEGHAN
B0157 00168C - OSBORN CYNTHIA & MICHAEL
B0157 J00074 - RALEIGH PRIMITIVE BAPTIST CHURCH
B0157 J00075 - VAN TILBURG DIANNE P REVOCABLE LIVING
B0157 J00081C - NORMAN VIRGINIA M
B0157 J00070C - MCCABE JOEL W & SHEILA F
B0157 00411 - GILL JEAN R & WALTER L JR

SMITH RYAN A & JENNIFER E
7224 ANDREWS RD #
MEMPHIS TN 38135

BOYLE MEGHAN
7231 ANDREWS RD #
BARTLETT TN 38135

CSMA BLT LLC
1850 PARKWAY PL #900
MARIETTA GA 30067

OSBORN CYNTHIA & MICHAEL
6870 DEERFIELD RD #
BARTLETT TN 38135

MCNATT JACOB E & COURTNEY A
7246 ANDREWS RD #
BARTLETT TN 38135

RALEIGH PRIMITIVE BAPTIST CHURCH
35 MERRILL RD #
MILLINGTON TN 38053

BERNARD JOHN M & KIMBERLY S
7225 ANDREWS RD #
BARTLETT TN 38135

VAN TILBURG DIANNE P REVOCABLE LIVING
7257 ANDREWS RD #
MEMPHIS TN 38135

MARTINIE JENNIFER & JUSTIN
7276 US HIGHWAY 70 #
BARTLETT TN 38133

NORMAN VIRGINIA M
3400 OAK RD #
BARTLETT TN 38135

JACKSON PALMER B & MARCIA R
6373 PRAIRIE VIEW DR #
BARTLETT TN 38134

MCCABE JOEL W & SHEILA F
7215 ANDREWS RD #S
BARTLETT TN 38135

HOLT VIRGINIA O (ESTATE OF) (1/2) AND
7260 US HIGHWAY 70 #
MEMPHIS TN 38133

GILL JEAN R & WALTER L JR
7256 ANDREWS RD #
BARTLETT TN 38135

JACQUES DEMI & AARON
7246 US HIGHWAY 70 #
BARTLETT TN 38133

JACQUES GARY M & RONDA R
7234 U S HWY 70 #
BARTLETT TN 38133

SIMS BETTY LIVING TRUST
7234 ANDREWS RD #
BARTLETT TN 38135



April 17, 2025

Sam Harris
Senior Planner
Planning and Economic Development
City of Bartlett
6382 Stage Road
Bartlett, TN 38134

RE: VARIANCE REQUEST
Parking within 20' Landscape Buffer – 7247 Andrews Road

Dear Mr. Harris,

We respectfully request a variance from the City of Bartlett to allow parking within the 20-foot landscape buffer between the Raleigh Primitive Baptist church property and adjacent residential properties on the east side. Below, we provide the required information:

Property Information:

- **Current Property Owner:** Raleigh Primitive Baptist
- **Current Zoning:** R-18
- **Size of Subject Property:** 1 Acre
- **Description of Requested Variance:** Raleigh Primitive Baptist Church requests a variance to permit parking spaces within the 20-foot landscape buffer along the boundary with adjacent residential properties. The existing driveway already encroaches into this buffer, and additional parking is needed to meet onsite demands for church activities. The adjacent properties to the east are deep, with existing homes approximately 235 feet from the church property and about 170 feet of vegetation providing a substantial buffer.

Variance Justification and Responses to Standards for Variances:

1. **Do the particular physical surroundings, shape, or topographic conditions of the specific property involved result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out?**

The property's layout and limited usable area create a hardship. The existing driveway already encroaches into the 20-foot buffer due to the property's configuration, leaving insufficient space for additional parking without further encroachment. Strict adherence to the buffer requirement would prevent adequate onsite parking, forcing congregants to park

on the street. This is not a mere inconvenience but a significant limitation on the property's reasonable use as a church, as street parking could lead to safety and congestion issues.

2. Are your reasons for the variance applicable, generally, to other property within the same district?

No, the reasons are specific to our property. The existing driveway's encroachment and the property's unique shape and size limit our ability to provide sufficient parking without impacting the buffer. Other properties in the district may not face the same spatial constraints or have different existing conditions, such as our driveway's placement.

3. Will the variance authorize activities in the applicable zoning district other than those permitted by the zoning ordinance?

No, the variance will not authorize new activities. The property is zoned for residential use, but the church is considered a commercial use, and parking is an accessory use consistent with this land use. The variance only seeks to adjust the location of parking within the buffer, not to introduce unpermitted activities like retail or residential uses.

4. Are financial returns only considered as a basis for granting a variance? If no, explain the other reasons why a variance is justified?

Financial returns are not the basis for this request. The variance is justified to ensure the church can function effectively by providing safe, accessible onsite parking for congregants. Without the variance, insufficient parking would force reliance on street parking, potentially causing traffic congestion, safety hazards, and inconvenience to neighboring residents.

5. Has the alleged difficulty or hardship been created by any person having an interest in the property after the effective date of the zoning ordinance?

No, the hardship stems from the property's existing conditions, including its size, shape, and the driveway's longstanding encroachment into the buffer, which predates our current use. These physical constraints were not created by us but are inherent to the property.

6. Is the variance the minimum variance that will make possible the reasonable use of the land, building, or structure?

Yes, the variance is the minimum necessary. Allowing parking within the buffer is the least intrusive solution to meet parking demands while maintaining the church's operations. Alternative layouts were considered, but they either reduce parking further or require significant reconfiguration that is impractical given the property's constraints.

7. Will the granting of the variance be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located?

No, granting the variance will not harm the public welfare or adjacent properties. Onsite parking will reduce street parking, alleviating potential traffic congestion and improving safety. We will maintain landscaping where feasible to minimize visual impacts on neighboring residential properties.

8. Will the proposed variance impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area?

The variance will not impair light or air to adjacent properties, as parking is a low-impact use. By providing onsite parking, it will reduce street congestion, enhancing public safety. The parking layout will comply with fire access requirements, posing no increased fire risk. Additionally, organized onsite parking is less likely to negatively affect property values than overflow street parking, which could disrupt the neighborhood.

9. Will the variance interfere with or encroach upon a recorded public or private easement unless a written waiver has been executed by the owner of the public or private easement allowing the interference or encroachment?

To our knowledge, the proposed parking will not interfere with any recorded easements. We will verify this with a survey and obtain any necessary waivers if easements are identified.

10. What effect will granting this variance have on adjoining streets or property?

Granting the variance will reduce the potential for street parking, minimizing traffic congestion and disturbances to adjoining residential properties. Landscaping and fencing will be preserved where possible to maintain a visual buffer.

11. What other alternatives could solve the problem caused by the situation?

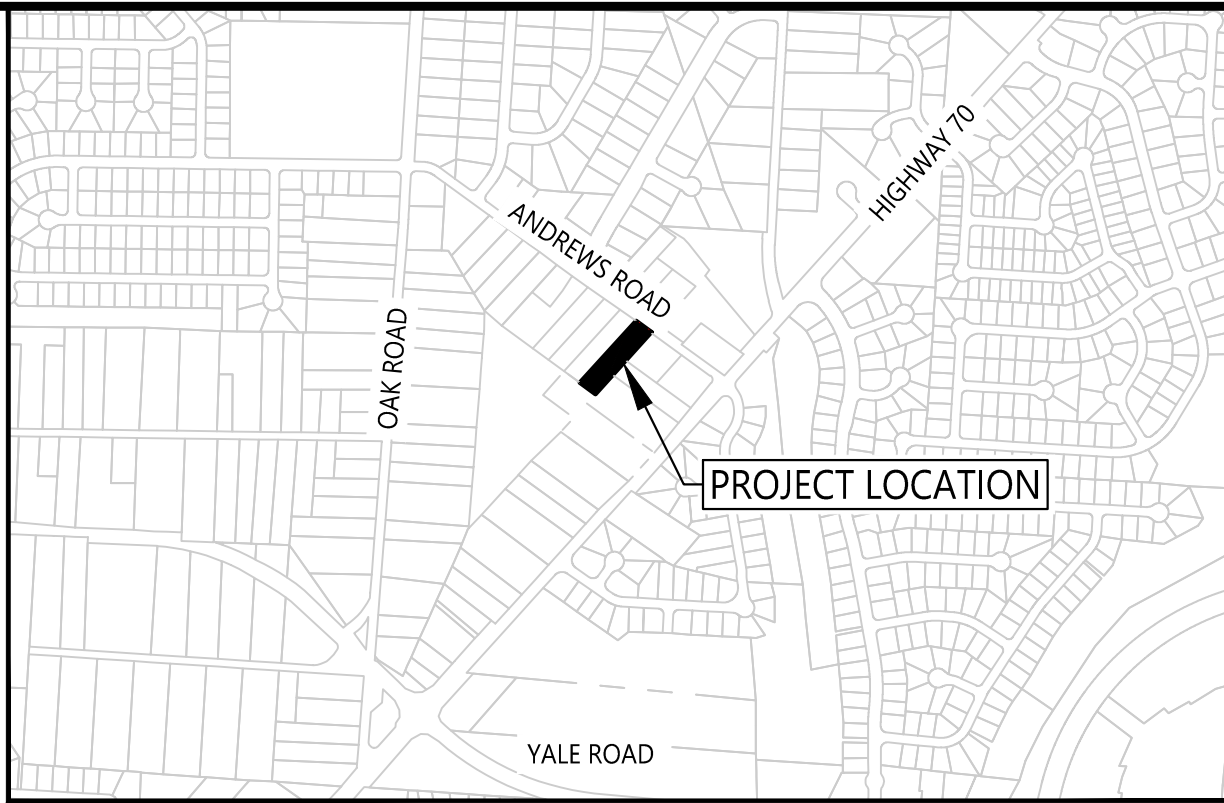
Alternatives, such as reconfiguring the parking lot or reducing parking spaces, were explored but found infeasible. Reconfiguration would either encroach further into other setbacks or reduce parking below what is needed, still necessitating street parking. Offsite parking is impractical due to distance and safety concerns for congregants.

We believe this variance is essential to ensure the reasonable use of the church property while minimizing impacts on the surrounding area. We appreciate your consideration and are happy to provide additional information or meet to discuss this request. Please contact me at 901-605-2998

Regards,

A handwritten signature in black ink, appearing to read "Josh Burnette". The signature is stylized with a large, looping initial "J" and a cursive "Burnette".

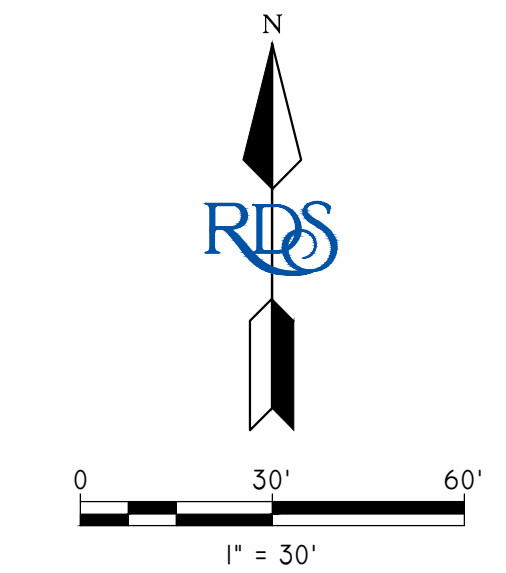
Josh Burnette, P.E.



VICINITY MAP
SCALE: 1" = 1000'

PARKING LOT IMPROVEMENT
OWNER: RALEIGH PRIMITIVE BAPTIST CHURCH
BARTLETT, TN

SITE LAYOUT DATA CHART		
PROJECT NAME:	Parking Lot Improvement	
SUBDIVISION:	Cordes Ellendale Highway Blk A	
LOT NUMBER:	56	
PROPERTY ADDRESS:	7247 Andrews Road	
CITY, COUNTY, STATE, ZIP:	Bartlett, TN, Shelby County, TN, 38135	
WARD/BLOCK:	Block A	
PARCEL ID #:	B0157-J00074	
EXISTING ZONING:	RS-18	
ACREAGE OF SITE	1.00 Acres (43560 S.F.)	
MINIMUM REQUIRED SETBACK LINES	MINIMUM REQUIRED	PROVIDED
FRONT	50 ft	44.69 ft
REAR	35 ft	57.92 ft
Side	21.50'S & 28.66'N	21.50'S & 28.66'N
OWNERSHIP: Raleigh Primitive Baptist Church		
Address:	7247 Andrews Road	
City, State, Zip:	Bartlett, TN 38135	
Contact Name:	David Reeves	
APPLICANT/DESIGN PROFESSIONAL: Renaissance Design Studio, LLC		
Address:	3157 Highway 64, Suite 200	
Phone No.:	901-466-4101	
E-mail Address:	josh@rendevco.net	
Contact Name:	Josh Burnette, P.E.	
PROPOSED USES:	Church	
NONRESIDENTIAL BUILDING AREA:	3,500 S.F. (EXISTING)	
BUILDING HEIGHT(S) (all buildings):	MAXIMUM LIMIT	PROVIDED
	35'	<35'
MAXIMUM LOT COVERAGE:	20%	12%
PROPOSED PARKING	MINIMUM REQUIRED	PROVIDED
Total Spaces (1 space per 4 seats)	18	28
Handicap Parking Spaces	1	1
MINIMUM GREENSPACE:	35%	36%



LEGEND	
THESE STANDARD SYMBOLS MAY BE FOUND IN THE DRAWING	
---	PROPERTY LINES
---	ADJOINING PROP. LINES
---	BACK OF CURB
---	FACE OF CURB
---	SIDEWALK
---	EDGE OF PAVEMENT
---	ROADWAY CENTERLINE
---	EX. OH ELECTRIC LINES
---	EX. UG ELECTRIC LINES
---	EX. WATER LINES
---	EX. SEWER LINES
---	EX. STORM DRAIN
---	EX. GAS LINE
---	EX. UG CABLE
---	EX. FIBER OPTIC
---	EX. FENCE LINES
---	EX. SIDEWALK
---	EX. EASEMENT
---	PR. WATER LINE
---	PR. SEWER LINE
---	PR. STORM DRAIN
---	DRAINAGE BASIN
---	EASEMENT
---	EX. UTILITY POLE
---	PR. FIRE HYDRANT
---	EX. LIGHT POLE
---	EX. TELEPHONE PEDESTAL
---	EX. WATER VALVE
---	EX. WATER METER
---	EX. SEWER MANHOLE
---	EX. DRAINAGE MANHOLE
---	EX. ELECTRICAL BOX

NOTES:

- ALL SIDE AND REAR YARD SWALES ARE TO ACT AS DRAINAGE WAYS. THEY ARE PRIVATE AND ARE TO BE MAINTAINED BY THE PROPERTY OWNER.
- DEVELOPER/CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL SIGHT TRIANGLES ARE CLEAR OF OBSTRUCTIONS.
- ALL SIDEWALK AND DRIVE/STREET CROSSINGS SHALL MEET CURRENT ADA, COUNTY, AND CITY REGULATIONS.
- THE CITY OF BARTLETT SHALL HAVE THE RIGHT TO ENTER THE PROPERTY FOR THE PURPOSE OF MAINTAINING THE DRAINAGE, WATER, AND SEWER SYSTEMS LOCATED WITHIN PUBLIC EASEMENTS. HOWEVER, THE CITY DOES NOT HAVE THE RESPONSIBILITY TO REPAIR ANY DAMAGE TO THE YARDS, PARKING LOT, STREETS OR DRIVES CAUSED BY SOIL SETTLEMENT OR OTHER REASONS THAT ARE NOT DIRECTLY CAUSED BY THE CITY'S ACTION OF PERFORMING MAINTENANCE TO THE UNDERGROUND SYSTEMS.
- UTILITIES MAY BE IN THE AREA. PLEASE NOTIFY THE CITY OF BARTLETT ENGINEERING DIVISION AT 901-385-6499 BEFORE CONSTRUCTION BEGINS.
- ALL PROPOSED PARKING STRIPING IS TO BE PAINTED WHITE.
- FIRE LANES AND FIRE DEPARTMENT CONNECTIONS MUST BE CLEAR.
- VEHICULAR LINES OF SIGHT MUST BE MAINTAINED.

SITE BENCHMARK (T.B.M.):

SET REBAR IN FRONT GRASSY AREA OF CHURCH. SAID REBAR IS LOCATED WEST +/- 30' OF THE EXISTING EDGE OF PAVEMENT OF ANDREWS ROAD AND EAST +/- 53' OF THE SOUTHEAST CORNER OF THE CHURCH BUILDING. ELEVATION ON T.B.M. WAS DERIVED FROM GPS OBSERVATION UTILIZING TDOT REFERENCE STATION #45.

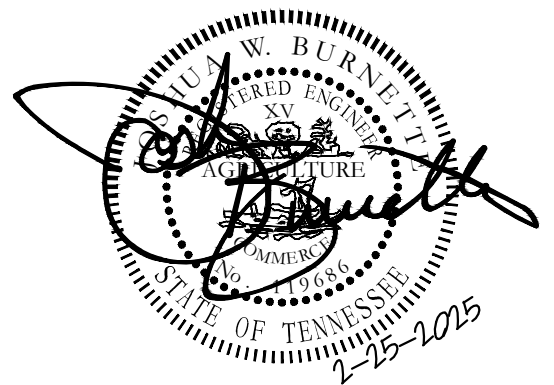
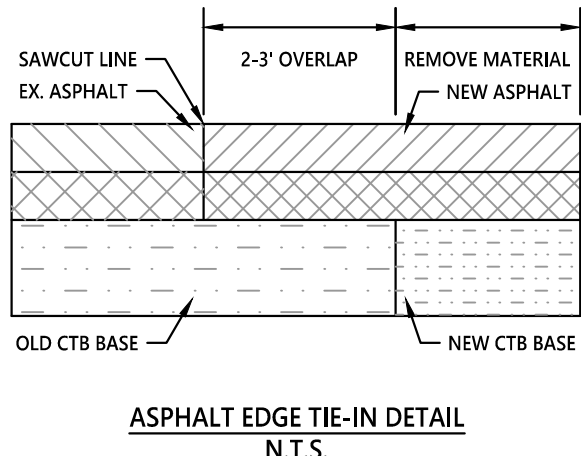
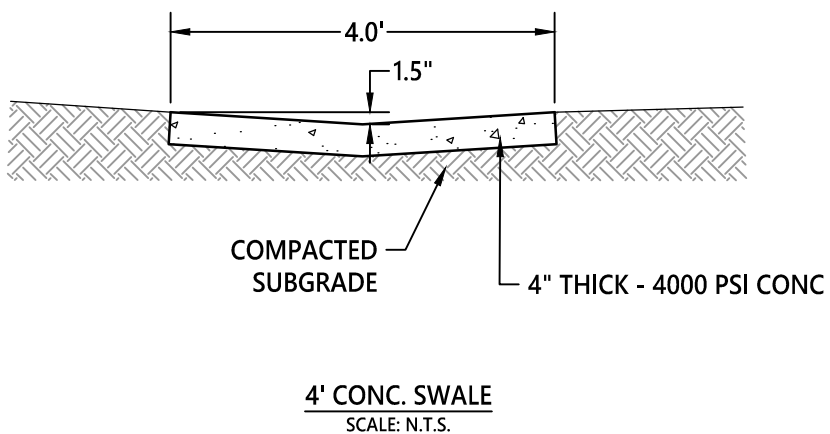
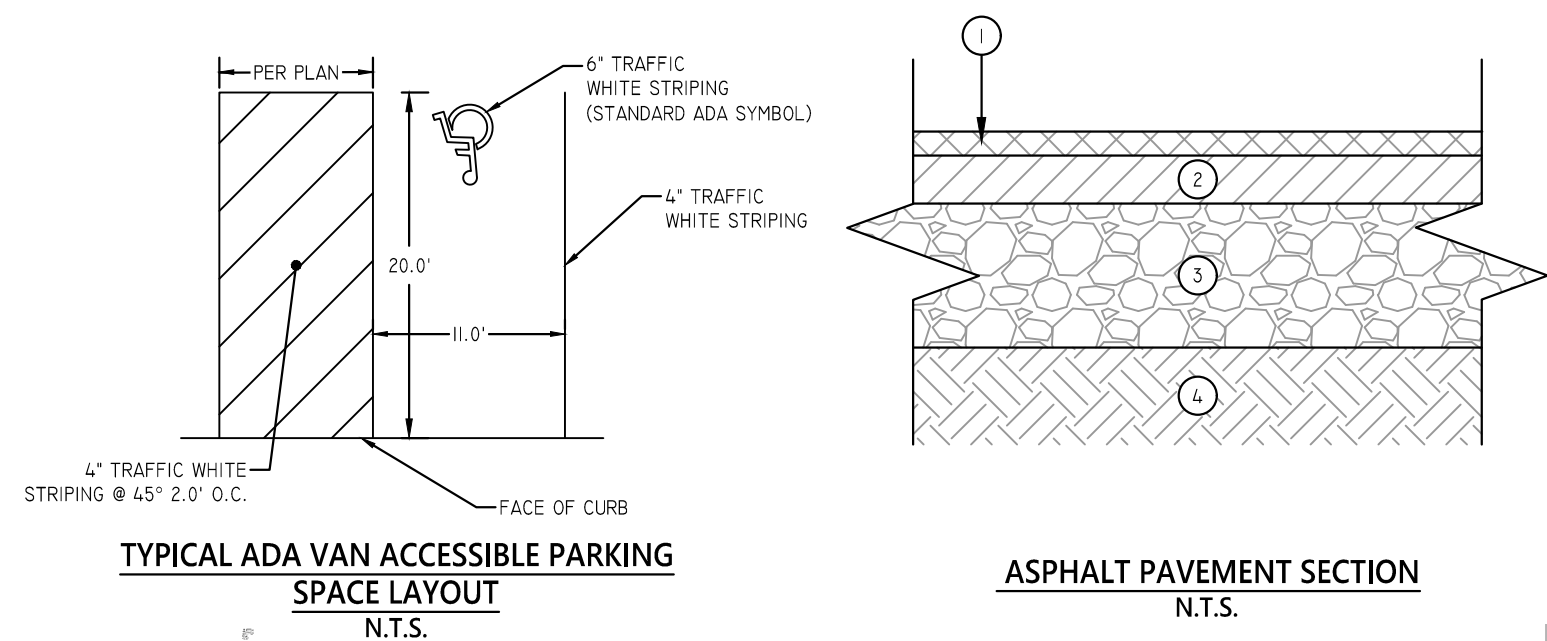
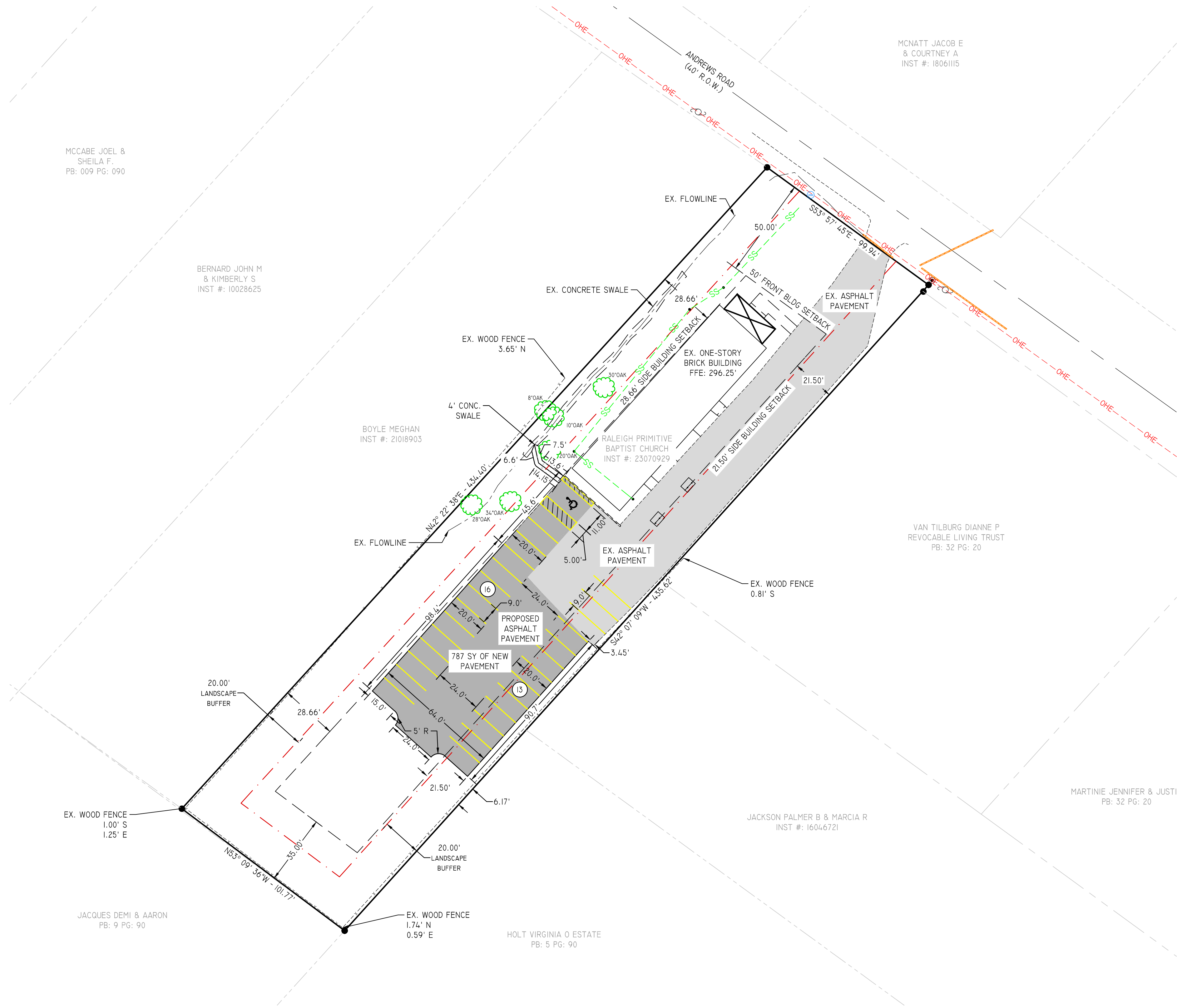
ELEVATION: 293.55' (NAVD88)

F.E.M.A. NOTE:

ACCORDING TO THE FEDERAL EMERGENCY MANAGERMENTS AGENCY'S FLOOD INSURANCE RATE MAP (FIRM), THIS PROPERTY IS LOCATED IN ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD ZONE PER FLOOD INSURANCE RATE MAP, MAP NO.47157C 0304 G, EFFECTIVE DATE: FEBRUARY 6, 2013.

SEWER BASIN: WN-10

DRAINAGE BASIN: YOUNG 12-C



SITE PLAN

SURVEYOR:	DATE:
OLLAR SURVEYING CO.	2/14/2025
DESIGN BY:	DATE:
J. BURNETTE, P.E.	2/10/2025
DRAWN BY:	DATE:
T. PERKINS	2/14/2025
PROJECT NO:	

RDS 25012

SHEET NO:



BZA Variance Application

Date: 04/17/2025

Project Information

Project Name: Dollar Tree

Location: 6860 SUMMER

Description: To allow a reduction in the required separation spacing of an exiting building with another property occupied by a small box store.

Applicant / Owner

Applicant Name: Andrew Marcus
Company Name: Jason Assoc, LLC
Address: 1055 St. Charles Ave, Ste 701
City, State, Zip: New Orleans, LA 70130
Phone: 504-400-6864
Email: andrew@agilecoast.com

Owner Name: Andrew Marcus
Company Name: Jason Assoc, LLC
Address: 1055 St. Charles Ave, Ste 701
City, State, Zip: New Orleans, LA 70130
Phone: 504-400-6864
Email: andrew@agilecoast.com

I do hereby certify that the information contained herein is true and correct.

Christine Donhardt
Name

04/17/2025
Date

Bartlett Planning and
Economic Development
Department
6400 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Variance Checklist

Bartlett Board of Zoning Appeals

Property Address for which Variance Is Requested _____

Property Owner _____ Phone _____

The applicant shall provide the following information twenty (21) days prior to the scheduled hearing date.


- ____ 1. This checklist plus **fees of \$300.00** with this application.
- ____ 2. A Plot Plan showing subject property and public street rights-of-way. If the property is encumbered by easements, show the type and location on the Plot Plan.
- ____ 3. The names and addresses of all property owners within three hundred (300) feet of the applicant's property or a minimum of ten (10) property owners, whichever is greater.
- ____ 4. One copy of the names and addresses required in #3 above on self-adhesive mailing labels.
- ____ 5. A Vicinity Map showing the subject property and all parcels within the distances described in #3 above. Every parcel shall indicate the owner's name and the street that each parcel fronts upon.
- ____ 6. A written explanation demonstrating how the following requirements are met.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. The special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

(Note: "No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.")
- ____ 7. Any other information deemed necessary and requested by the Board.

The applicant should attend the meeting of the Board of Zoning Appeals, to present and answer questions on this application. The meeting is normally at 6:30 p.m. on the third Thursday of each month, at City Hall, 6400 Stage Road.

I, the property owner(s) hereby authorize the filling of this application.

(print name)


(signature)

(date)

Questions also may be sent by email to the Department's planners:

- Kim Taylor, ktaylor@cityofbartlett.org
- Sam Harris, samharris@cityofbartlett.org
- Leslie Brock, leslie.brock@cityofbartlett.org

Brittenum

Law pllc

ATTORNEY AT LAW
Airways Professional Center – Aerotropolis
3385 Airways Boulevard, Suite 229
Memphis, Tennessee 38116 USA
Telephone 901.347.3978
Facsimile 901.800.1927
db@brittenumlaw.com

17 April 2025

Mr. Sam Harris
City Planner
Department of Planning & Economic Development
P.O. Box 341148
Bartlett, TN 38134

RE: 6860 Summer Avenue (US Highway 70)

Dear Mr. Harris:

Please be advised that I represent Jason Assoc. LLC, the owner of the above referenced property for a variance application. The request is a variation from the Bartlett Zoning Ordinance to allow a reduction in the required separation spacing of an existing building with another property occupied by a small box store. The subject parcel has had the same ownership since 1993 and the existing building was constructed in the middle 1990s as a drug store. Over the years it remained a drug store under a different brand after extensive renovation of the façade and interior of the property. The current tenant is a beauty products retailer. The owner has identified a higher and best use as a Dollar Tree store.

The subject site is 1.235 acre(s) and located at the southwest intersection of Summer Avenue and Stage Road. The area is developed with old and newer businesses in comparable buildings with a predominance of retail and service stores. The lot is an irregular shaped (quadrilateral) corner with sides of varying lengths bounded on the north by seven lanes Stage Road and five lanes Summer Avenue. It is situated on “island” area property bounded by Whitten Road on the west consisting of only six parcels making the subject parcel the largest and peculiar. The building is situated on the subject lot in a way which does not match other structures and lots in the immediate vicinity. The good condition of the building does not lend itself to a tear down and new construction. The literal interpretation of the Bartlett small box stores distance requirements would deprive the owner/ applicate of a right commonly enjoyed by other properties in the same district. These circumstances are not the result of the owner/ applicant and are the result of the ordinance enacted in 2024.

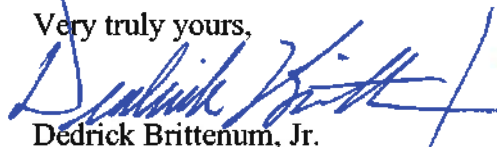
This is a model case for a variance from the spacing requirement of Ordinance 10-23 for small box retail stores. The proposed tenant would support long-needed exterior enhancements and improved visibility at this prominent corner lot, including the replacement of trees that have

exceeded their useful life and the implementation of a comprehensive landscape plan, as shown in the attached drawings. These improvements will create a more attractive and welcoming environment for the City of Bartlett's residents and visitors, while also enabling more funds for improved upkeep and maintenance of the property. The owner has spent years attempting to attract a new tenant, but those efforts have been hindered by the current conditions of the area. This investment and allowance of a Dollar Tree will enhance the site itself and encourage neighboring property owners to reinvest in their own properties, as has historically followed visible improvements like these.

Therefore, the application seeks approval of a reduction in the separation minimum distance requirement. The addition of a stable national brand at this location would encourage more upgrades in the vicinity. Approval would generate more jobs for Bartlett residents and additional sales tax as well. The site has a previous variance approval from the Memphis and Shelby County Board of Adjustment as case number BOA 1972-027. Enclosed is the variance application with supporting documents for scheduling on the next available date before the Bartlett Board of Zoning Appeals. Your favorable recommendation is requested for this case. The property owner plans to file an application for a Special Use Permit for the site should this variance request gain approval.

Thank you for your attention and should you have questions or comments, please advise. I am

Very truly yours,

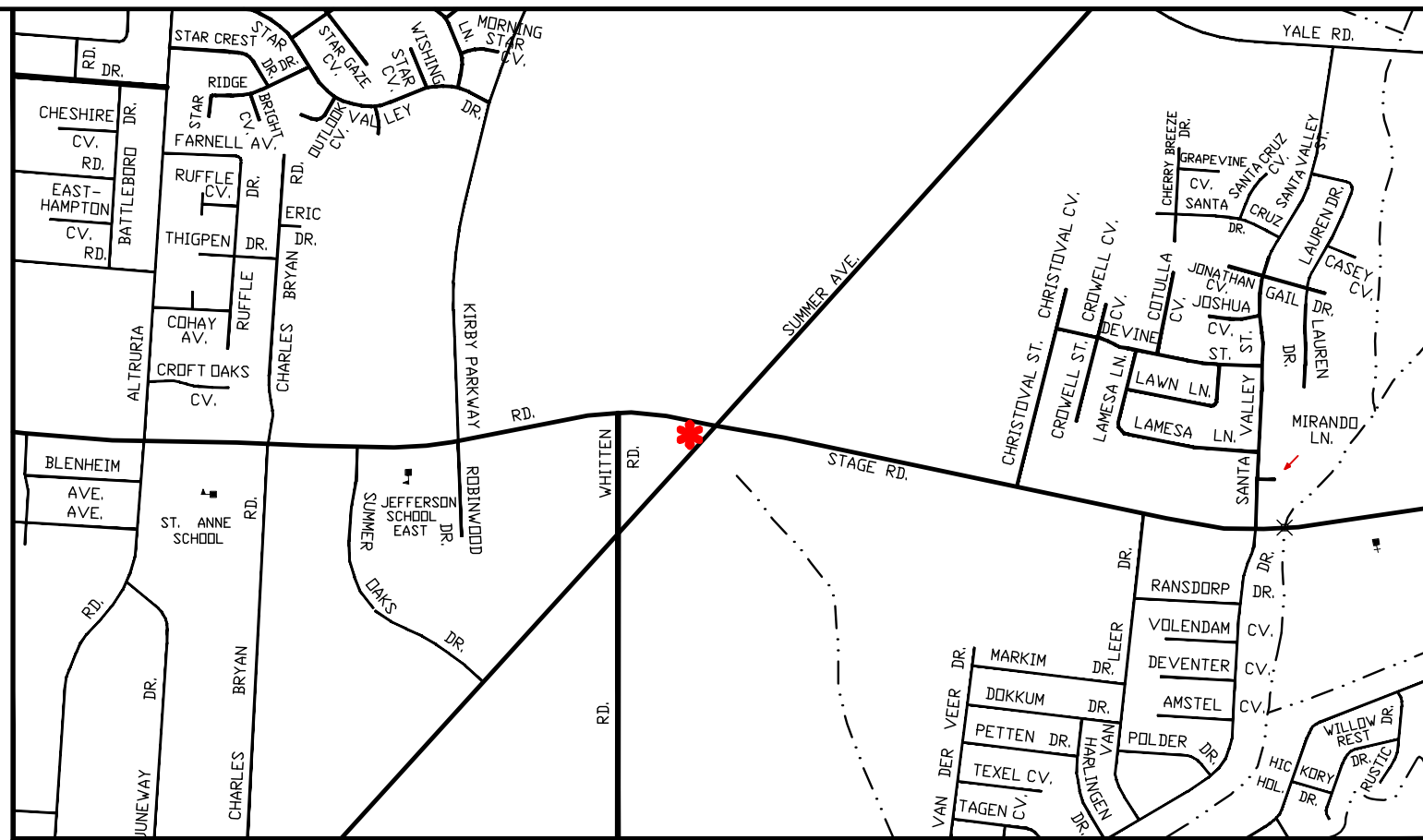
A handwritten signature in blue ink, appearing to read "Dedrick Brittenum, Jr.", with a long, sweeping horizontal line extending to the right.

Dedrick Brittenum, Jr.

1. Survey prepared for PMG Leasing, LLC.
2. Bearings are relative to NAD '83.
3. This survey was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract or title search of the property.
4. All deed book references shown hereon are recorded in the Register's Office of Shelby County, Tennessee.
5. This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 47157C 0304 G, Community Panel No. 470175 0304 G, Effective Date: February 6, 2013.
6. Structures visible on the date of this survey are shown hereon.
7. All visible utility structures located on this property of which we have knowledge are shown hereon.
8. Underground pipes were assumed to be straight from structure to structure.
9. There may be non-visible underground utilities crossing or serving this property of which we have no knowledge.
10. There may be underground or non-visible utilities, drain and/or sewer lines across this property that are not shown. The proper utility authorities should be contacted for more specific locations and information on underground utilities.
11. Subsurface and environmental conditions were not examined or considered as a part of this survey.
12. Governmental jurisdictional areas, if any, which might impact on the use of the premises were not located. No liability is assumed by the undersigned for any loss resulting from the exercise of any governmental jurisdiction affecting the use of the premises.
13. Elevations shown hereon were taken on the ground using B.M. noted hereon.
14. Contours were plotted at one foot intervals for convenience only.
15. Contours were derived from elevations taken on the ground by means of radial topo and are relative to B.M. noted hereon.
16. Benchmark (B.M.): City of Memphis Benchmark No. 861, being a city monument located at the southwest corner of Stage Road and Altruria Road, at the back of curb at the south end of a 6-72 inlet. Elevation: 299.51 (NAVD '88 Datum)
17. If this survey plot is also provided in electronic form, the electronic copy must be compared to the original hard copy issued at the survey date with its original seal to insure the accuracy of the information and to further insure that no changes, alterations or modifications have been made. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.

R. O. B.	POINT OF BEGINNING
R. O. W.	RIGHT-OF-WAY
P. B.	PLAT BOOK
P. G.	PAGE
INST.	INSTRUMENT
No.	NUMBER
Ac.	ACRES
S. F.	SQUARE FEET
L/S	LANDSCAPE
U. S.	SANITARY SEWER
UTIL.	UTILITY
DMT.	EASEMENT
CON.	CONCRETE
COR.	CORNER
BLDG.	BUILDING
EOP	EDGE OF PAVEMENT
AG	ANCHOR GUY
EM	ELECTRIC METER
EMH	ELECTRIC MANHOLE
ET	ELECTRIC TRANSFORMER
OE	OVERHEAD ELECTRIC
LP	LIGHT POLE
PP	POWER POLE
WH	FIRE HYDRANT
WM	WATER METER
VF	WATER VALVE
DMT	SEWER CLEANOUT
SMH	SEWER MANHOLE
DMH	DRAIN MANHOLE
FL	FLOWLINE
THR	THROAT
RCP	REINFORCED CONC. PIPE
FF	CROSSWALK SIGNAL
XFS	FINISH FLOOR ELEVATION
FFOD	FINISH DOOR ELEVATION (OUTSIDE OF DOORWAY)
	STREET SIGN
•	PIPE BOLLARD (UNLESS NOTED OTHERWISE)

NUMBER	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD DIRECTION
C1	2811.79'	238.57'	04°51'41"	238.50'	S 83°46'14" E
C2	40.00'	38.74'	55°29'27"	37.24'	S 33°35'40" E
C3	34.00'	28.15'	47°25'54"	27.35'	S 18°13'09" W



SHELBY COUNTY, TENNESSEE

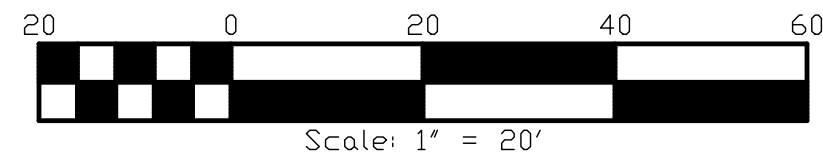
Description of Lot 2, Phase 2, Stage Summer Subdivision recorded in Plat Book 258, Page 12 in Bartlett, Shelby County, Tennessee:

Beginning at a point in the northwest line of Summer Avenue (R.O.W. varies) (54 feet from centerline), said point being the south end of a curve having a radius of 34.00 feet located 63.85 feet southwest of the intersection of the north and west lines of said Summer Avenue; thence southwesterly along the eastward extension of the south line of Stage Road (106' R.O.W.); thence south 41 degrees 56 minutes 06 seconds west with the northwest line of said Summer Avenue, 271.57 feet to a set 1/2" rebar with plastic cap in the northeast corner of Lot 1 of said subdivision recorded in Plat Book 258, Page 12; thence north 48 degrees 05 minutes 56 seconds west with the northeast line of Lot 3 of said subdivision recorded in Plat Book 258, Page 12, 161.54 feet to a set 1/2" rebar with plastic cap in the east line of said Summer Avenue; thence north 1 degree 19 minutes 00 seconds east along the east line of said Summer Avenue, 15 degrees 59 minutes 01 seconds east with the east line of Lot 3 of said subdivision recorded in Plat Book 135, Page 9, 183.26 feet to a set 1/2" rebar with plastic cap in the southeast corner of said Summer Avenue; thence in an easterly direction with the south line of said Stage Road the following calls: along a curve to the right having a radius of 2811.79 feet, delta angle of 44 degrees 51 minutes 41 seconds, chord = south 83 degrees 46 minutes 05 seconds west of 100.00 feet; then along a curve to the left of compound curvature; along a curve to the right having a radius of 40.00 feet, delta angle of 55 degrees 29 minutes 27 seconds, chord = south 15 degrees 35 minutes 05 seconds west of 100.00 feet; then along a curve to the northwest line of the aforesaid Summer Avenue; thence in a southeasterly direction with the northwest line of said Summer Avenue the following calls: south 31 degrees 45 minutes 06 seconds west, 0.85 feet to a set 1/2" rebar with plastic cap along the northwest line of said Summer Avenue; thence along a curve to the right, delta angle of 47 degrees 25 minutes 54 seconds, chord = south 18 degrees 13 minutes 09 seconds west - 27.35 feet, an arc length of 15.15 feet to a set 1/2" rebar with plastic cap; Beginning and containing 13,807 square feet or 1.235 acres of land.

I hereby certify that this is a Category 1 Survey and that the ratio of precision of the unadjusted survey is 1:10,000 or greater.

By Regis T. Storch
Regis T. Storch, Jr., RLS
Vice President
Tennessee Certificate No. 2138

TOPOGRAPHIC SURVEY OF
LOT 2, PHASE 2
STAGE SUMMER
SUBDIVISION
RECORDED IN
PLAT BOOK 258, PAGE 12
BARTLETT,
SHELBY COUNTY, TENNESSEE
SCALE: 1" = 20' DATE: MARCH 17, 2025



Christine 20x24 Z:\202505-0038 6860 Summer Dollar Tree Plan\landscape.dwg Apr 17, 2025 - 10:05am



PLANT MATERIALS LIST						
Botanical Name	Common Name	Quantity	Min. Height	Min. Caliper	Spread	Notes
TREES						
LAGERSTROEMIA INDICA 'HARDY LAVENDER'	'HARDY LAVENDER' Crape Myrtle	2	8-10'		4-5'	3-TR. MIN., WELL-BRND.
MAGNOLIA VIRGINIANA	Sweetbay	14	8-10'		3.5-4'	3-TR. MIN., WELL-BRND.; FULL
SHRUBS						
ABELIA GRANDIFLORA 'ED GOUCHER'	ED GOUCHER ABELIA	22	18"		24"	3-GAL
HYDRANGEA QUERCIFOLIA 'RUBY SLIPPERS'	RUBY SLIPPERS HYDRANGEA	7	24"		24"	3-GAL
ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	27	24-28"		20-24"	3-GAL
NANDINA DOMESTICA 'GULF STREAM'	'GULF STREAM' NANDINA	9				3-GAL
GROUNDCOVER						
LIRIOPE MUSCARI 'VARIEGATA'	VARIEGATED LIRIOPE	380				4" pot, 12" OC
OTHER						
CYNODON DACTYLON 'TIFWAY 419'	'TIFWAY' BERMUDA SOD					



The
Reaves
Firm

INCORPORATED

Engineering
Planning
Landscape Architecture
Land Surveying

6800 Poplar Avenue, Suite 101 Memphis, TN 38138
901.761.2016 Fax 901.763.2847
www.ReavesFirm.com

JOB # 25-0038

LANDSCAPE PLAN

DOLLAR TREE - STAGE SUMMER SD

LOT 2, PH 2

CASE NUMBER:

BARTLETT, TENNESSEE

NUMBER OF LOTS: 1

1.235 ACRES

PARCEL B0157 00775

DEVELOPER: JASON ASSOCIATES, LLC

ENGINEER: THE REAVES FIRM

100-YEAR FLOOD ELEV: ---

FEMA MAP PANEL NO: ---

FEMA MAP DATE: SEPT. 28, 2007

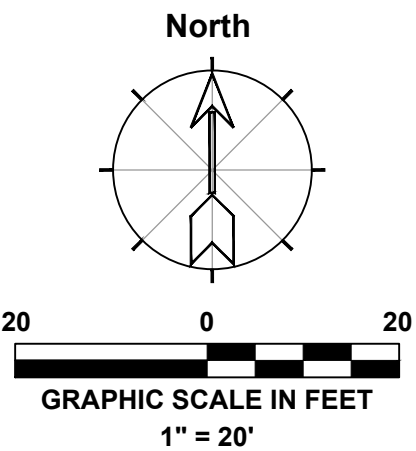
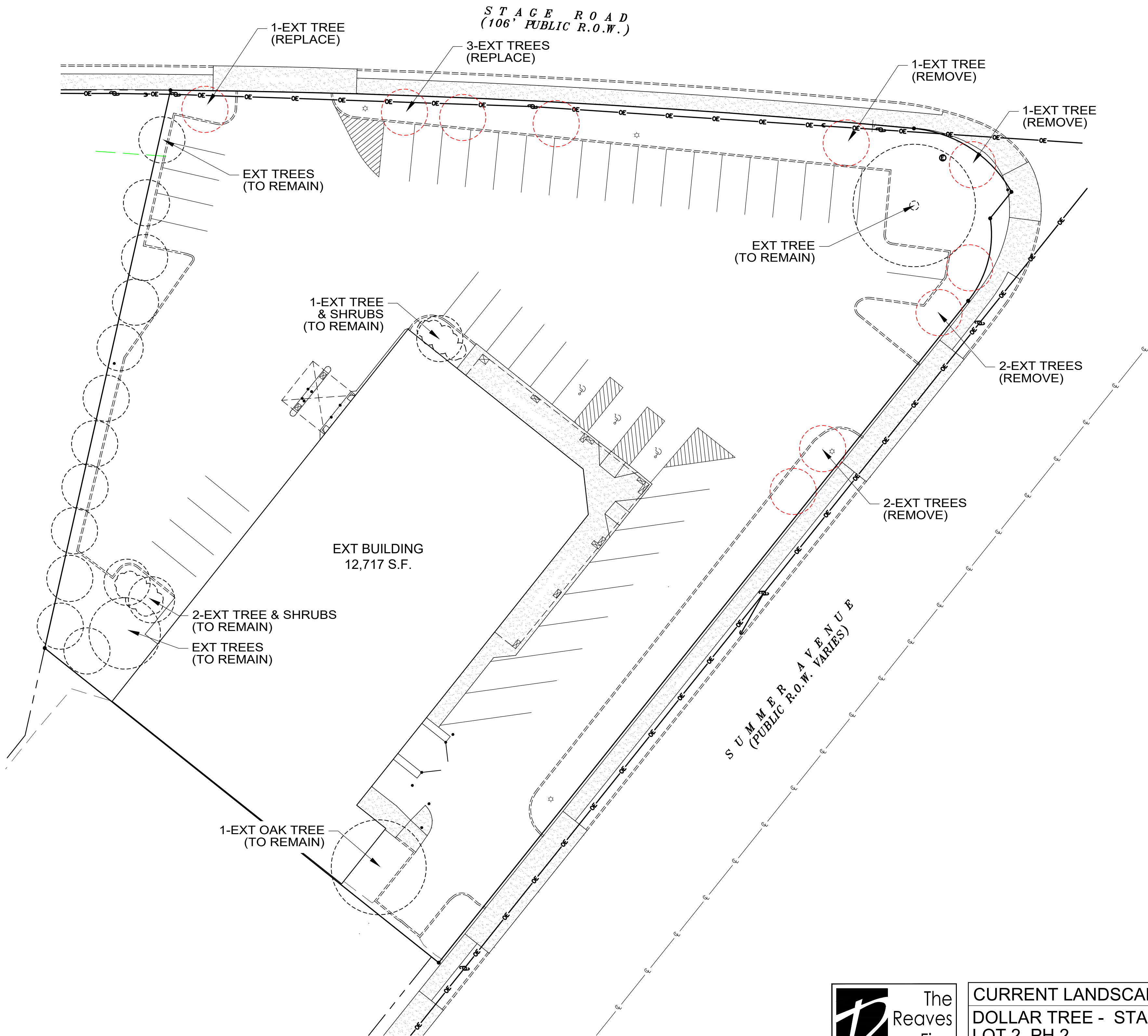
MARCH 2025

SCALE: 1" = 20'

SHEET 1 OF 2

copyright 2025 - The Reaves Firm, Incorporated

Christine 20x24 Z:\2025\25-0038 Summer Dollar Tree Plan\Landscaping.dwg Apr 17, 2025 - 10:05am



The Reaves Firm
INCORPORATED
Engineering
Planning
Landscape Architecture
Land Surveying
6800 Poplar Avenue, Suite 101, Memphis, TN 38138
901.761.2016 Fax: 901.763.2847
www.ReavesFirm.com

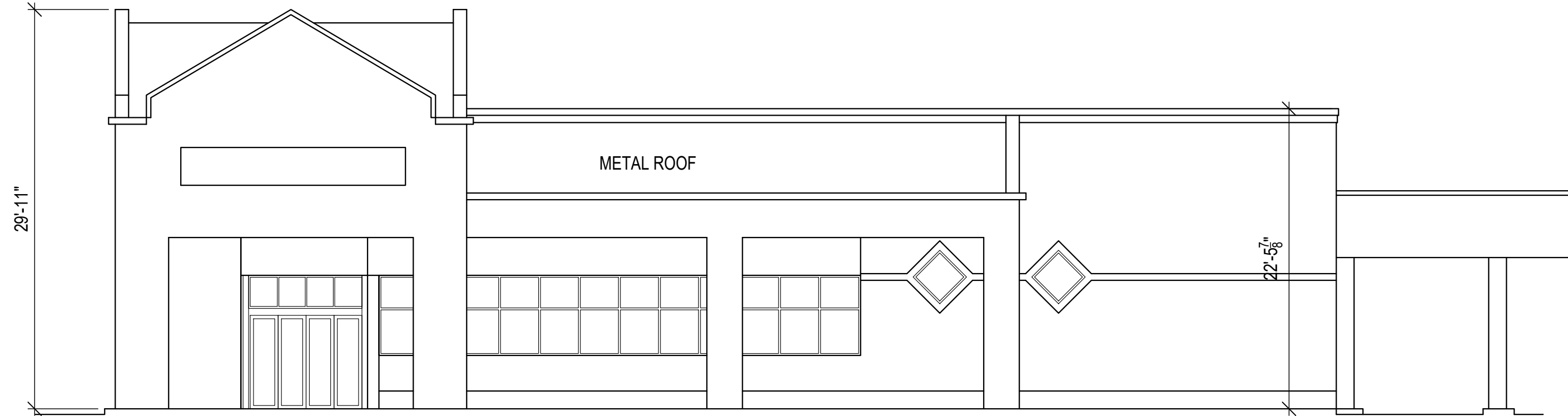
JOB # 25-0038

CURRENT LANDSCAPE CONDITIONS		
DOLLAR TREE - STAGE SUMMER SD LOT 2, PH 2		
CASE NUMBER:		
BARTLETT, TENNESSEE		
NUMBER OF LOTS: 1	1.235 ACRES	PARCEL B0157 00775
DEVELOPER: JASON ASSOCIATES, LLC		ENGINEER: THE REAVES FIRM
100-YEAR FLOOD ELEV: ---	FEMA MAP PANEL NO: ---	FEMA MAP DATE: SEPT. 28, 2007
MARCH 2025	SCALE: 1" = 20'	SHEET 2 OF 2

DATE DUE
5/30/2024
SURVEYED BY
S.Doughtie
DRAWN BY
S.Doughtie

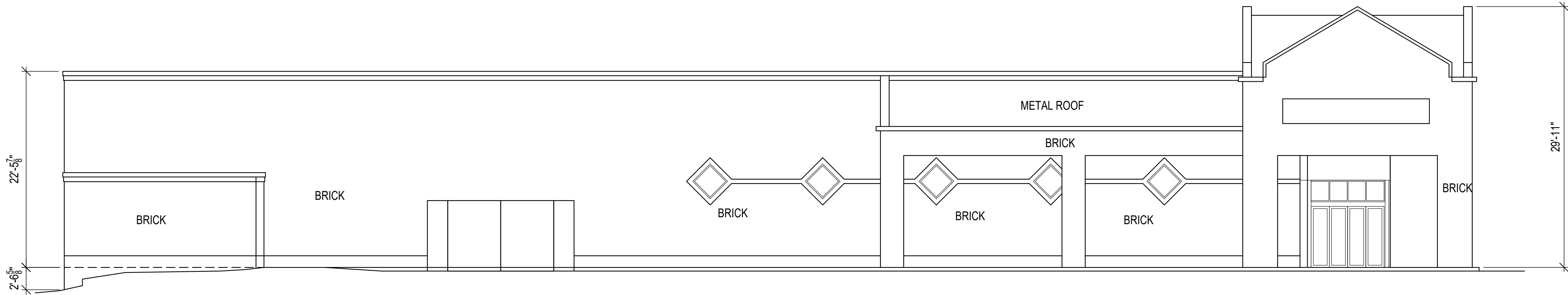
DOLLAR TREE STORES
BARTLETT, TN

ARCHITECTURAL SURVEYS
4240 PORTSMOUTH BLVD, SUITE 118
CHESAPEAKE, VIRGINIA 23321
PH: 866-380-0907 FX: 866-259-2543
<http://www.architecturalsurveys.com>



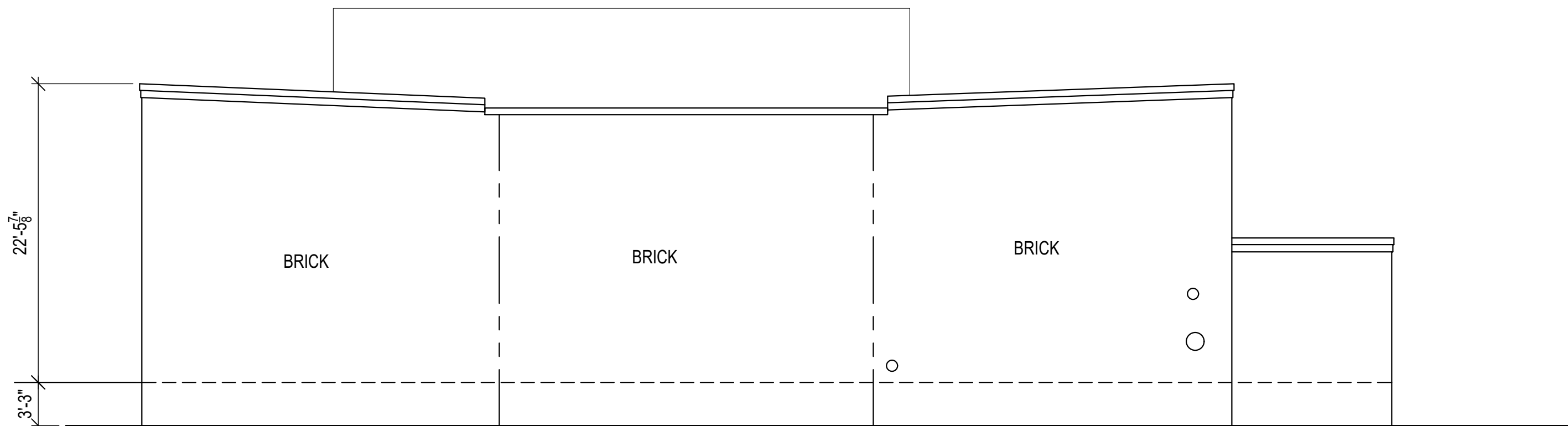
FRONT ELEVATION

SCALE: 1/8"=1'-0"



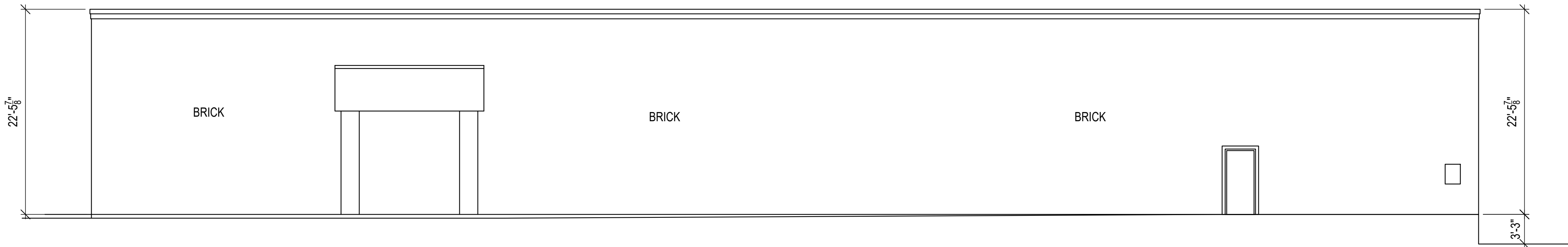
RIGHT ELEVATION

SCALE: 1/8"=1'-0"



REAR ELEVATION

SCALE: 1/8"=1'-0"



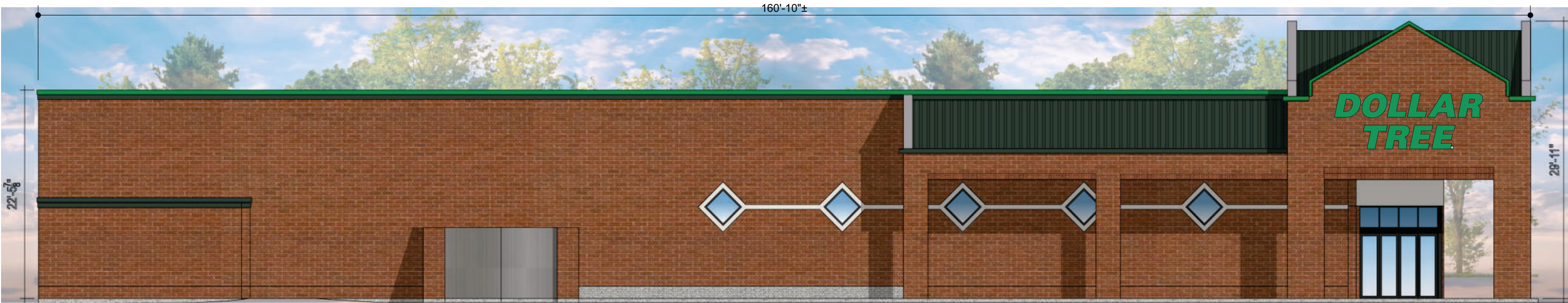
LEFT ELEVATION

SCALE: 1/8"=1'-0"

BUILDING IS SPRINKLED

AREA CALCULATIONS

TOTAL 14,155 SF (1ST FL 12,716 SF / 2ND 1,439 FL SF)



Front Elevation
Scale: 3/32"± = 1'-0"



Front View
Scale: 3/8"=1'-0"

ALLOWABLE S/F:	99.99
PROPOSED S/F:	89.93

Individual: 62.39 Sq Ft
Overall: 89.93 Sq Ft



Front Elevation
Scale: 3/32"± = 1'-0"

ALLOWABLE S/F:	91.42
PROPOSED S/F:	89.93



Front View
Scale: 3/8"=1'-0"

.187" Clear Acrylic w/
3M Vinyl & Diffuser Applied 2nd Surface

Individual:	62.39 Sq Ft
Overall:	89.93 Sq Ft

DP 1245
3

Prepared by and return to:

Morris J. Kriger, Esq.
6075 Poplar Avenue, Suite 623
Memphis, Tennessee 38119

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that K & B Tennessee Corporation, a corporation existing under and by virtue of the laws of the State of Tennessee, (herein "Grantor," whether one or more) for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby bargain, sell, release, remise, quit claim and convey unto Catherine Partnership, a Louisiana general partnership, (herein "Grantee," whether one or more) all its right, title and interest in and to the following described real estate located in the City of Bartlett, Shelby County, Tennessee:

See Exhibit "A" attached hereto and made a part hereof.

This is the same real estate conveyed to the Grantor by Warranty Deed recorded as Instrument No. DM-7329 in the Register's Office of Shelby County, Tennessee. Part of Tax Parcel No. B1-57-752.

IN WITNESS WHEREOF Grantor has executed this Quit Claim Deed or has caused this Quit Claim Deed to be executed by and through its duly authorized officer(s) this 24th day of May, 1993

K & B TENNESSEE CORPORATION

By: *James J. LeBlanc*
President

STATE OF ~~TENNESSEE~~ LOUISIANA
COUNTY OF ~~SHELBY~~ PARISH OF CALLAHOUN

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared James J. LeBlanc with whom I am personally acquainted (or proved on the basis of satisfactory evidence to be the person) and who, upon oath, acknowledged himself/herself to be the President of K & B Tennessee Corporation, the within named bargainor, a Tennessee corporation, and that he as such officer, executed the foregoing instrument for the purposes therein contained by subscribing the name of the corporation by himself/herself as such officer.

WITNESS my hand and Notarial Seal at office this 24th day of May, 1993.

Edward R. E. Clarke
Notary Public

My commission expires:
11/1/94

I, or we, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is -0-.

Virginia Buttrick
Affiant

Managing Partner, Catherine Partnership

DP 1245

Subscribed and sworn to before me this the 24th day of May, 1993.

Edmund R. Sherell
Notary Public

My Commission Expires:

Property address:

Unimproved

Mail Tax Bills to:

Catherine Partnership
c/o K & B Tennessee Corporation
K & B Plaza, Lee Circle
New Orleans, LA 70130-3999

DP 1245

EXHIBIT A

Being the remaining unsold portion of the property known as proposed Lot 2, Stage - Summer Subdivision, unrecorded, being part of the property conveyed to the Bank of Bartlett in instrument number CC 9033 in the Shelby County Register's Office and the west 11.00 feet of right-of-way of Summer Avenue and being described as follows:

Beginning at a point in the proposed west right-of-way of Summer Avenue, 54.00 feet west of the center line of Summer Avenue, said point being South 34 degrees 53 minutes 13 seconds West, 64.43 feet from the intersection of the proposed west line of Summer Avenue and the south line of Stage Road (106.00 feet wide); thence continuing along the proposed west line of Summer Avenue South 34 degrees 53 minutes 13 seconds West, 271.27 feet to a point in said proposed west line, said point being the northeast corner of the proposed Lot 3, Stage - Summer Subdivision; thence along the north line of said proposed Lot 3, North 55 degrees 00 minutes 13 seconds West, 161.22 feet to an iron pin set, said pin being the northwest corner of the proposed Lot 3 and lying in the east line of Lot 1, Stage - Summer Subdivision as recorded in plat book 125 - page 90 in the Shelby County Register's Office; thence along the east line of said Lot 1, North 08 degrees 56 minutes 24 seconds East, 182.91 feet to a point, said point being the northeast corner of said Lot 1 and lying in the south line of Stage Road; thence along the south line of Stage Road, with a curve to the right, in an eastward direction, having a radius of 3,011.70 feet, a distance of 238.57 feet to a point of compound curvature in said south line; thence continuing along said south line, with a curve to the right, in a southeast direction, having a radius of 40.00 feet, a distance of 38.74 feet to a point in the west line of Summer Avenue; thence along the west line of Summer Avenue, South 34 degrees 53 minutes 13 seconds West, 11.34 feet to a point in said west line; thence continuing along said west line, with a curve to the right, in southwest direction, having a radius of 34.00 feet, a distance of 28.15 feet to the point of beginning and containing 53,738.7 square feet or 1.234 acres.

DP 1245	
No.	
D/C	C DR 27
Pgs.	3
Vol.	112
STATE TAX	
REGISTER'S FEE	
RECORDING FEE 1.00	
WT	<input type="checkbox"/> MISC FEE
TOTAL	
STATE OF TENNESSEE	
SHELBY COUNTY	
GUY B. BATES	
REGISTER	

DP 1245

SHELBY COUNTY REGISTER OF DEEDS

93 JUN -1 11:34:17

UNITED STATES OF AMERICA
State of Louisiana

Box McKeithen

SECRETARY OF STATE

As Secretary of State, of the State of Louisiana, I do hereby Certify that
a Certificate of Merger whereby CATHERINE PARTNERSHIP, a
Louisiana partnership domiciled at New Orleans, is merged
into

JASON ASSOCIATES, L.L.C.

A Louisiana limited liability company domiciled at New
Orleans,

Signed and acknowledged on December 12, 1995,

Was filed and recorded in this office on December 19, 1995,
in the Record of Charters Book 345, the merger shall become
effective on December 31, 1995 at 11:59 p.m.

95-55857 20

*In testimony whereof, I have hereunto set
my hand and caused the Seal of my Office
to be affixed at the City of Baton Rouge on,*

December 19, 1995

Box McKeithen

SFO

Secretary of State



UNITED STATES OF AMERICA
State of Louisiana

Box McKeithen
SECRETARY OF STATE

As Secretary of State, of the State of Louisiana, I do hereby Certify that the annexed transcript was prepared by and in this office from the record on file, of which purports to be a copy, and that it is full, true and correct.

95-55857 20

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,

DEC 19 1995
Box McKeithen

Secretary of State



**CERTIFICATE OF MERGER
OF
CATHERINE PARTNERSHIP
INTO
JASON ASSOCIATES, L.L.C.
(THE SURVIVING ENTITY)**

Pursuant to 12:1360, Jason Associates, L.L.C., the Surviving Entity does hereby certify:

1. Name Address, Employer ID#, and State of Organization of Each of the Constituent Entities:


- A. Jason Associates, L.L.C., a Louisiana limited liability company
1055 St. Charles Avenue
New Orleans, Louisiana 70130
State of Organization: Louisiana
Employer ID # 72-1276395
Filed with the Secretary of State of Louisiana on August 12, 1994
(Surviving Entity)
- B. Catherine Partnership, a Louisiana partnership
1055 St. Charles Avenue
New Orleans, Louisiana 70130
State of Organization: Louisiana
Employer ID # 72-1231064
Filed with the Secretary of State of Louisiana on January 8, 1993 and in the Mortgage Office of the Parish of Orleans, State of Louisiana on February 1, 1993 as Instrument No. 728, Book 2934, Folio 28
(Merged Entity)

2. The merger shall be effective as of 11:59 P.M. on December 31, 1995 (the "Effective Date").

3. The Agreement of Merger has been duly authorized and approved by each Constituent Entity in accordance with R.S. 9:3444 and R.S. 12:1359.

4. The name of Surviving Entity is Jason Associates, L.L.C.

5. The Articles of Organization of Jason Associates, L.L.C. are not altered or otherwise affected by virtue of this merger. Until altered, amended or repealed, as therein provided, the said Articles of Organization of Jason Associates, L.L.C. shall be the articles of organization of the Surviving Entity as in effect on the Effective Date of the merger.


Fox McKeithen
Secretary of State
DEC 19 1995
Noted _____

6. The executed Agreement of Merger is on file at the principal place of business of the Surviving Entity whose address is 1055 St. Charles Avenue, New Orleans, Louisiana 70130.

7. A copy of the Agreement of Merger will be furnished by the Surviving Entity, on request and without cost, to any partner or member of any entity that is a party to the merger.

Pursuant to law, the undersigned, Valerie Besthoff Marcus, a member of Jason Associates, L.L.C., duly authorized hereby executes this Certificate of Merger on behalf of Jason Associates, L.L.C., the Surviving Entity, and the undersigned Virginia Frank Besthoff, the managing partner of Catherine Partnership, duly authorized hereby executes this Certificate of Merger on behalf of Catherine Partnership, the Merged Entity.

DATE: December 12, 1995

JASON ASSOCIATES, L.L.C.,
Surviving Entity

By:

Valerie Besthoff Marcus
Valerie Besthoff Marcus,
Member

CATHERINE PARTNERSHIP,
Merged Entity

By:

Virginia Frank Besthoff
Virginia Frank Besthoff,
Managing Partner

43-80
48-13
630.585 A2
srb

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority personally came and appeared, Valerie Besthoff Marcus, duly authorized to act on behalf of Jason Associates, L.L.C., who declared she is duly authorized and did execute the foregoing Certificate of Merger on behalf of Jason Associates, L.L.C.

IN WITNESS WHEREOF, the appearers, witnesses and I have hereunto affixed our signatures on this 12th day of December, 1995.

WITNESSES:

JASON ASSOCIATES, L.L.C.

Lisa J. Heller
Susan R. Broussard

BY: Valerie Besthoff Marcus
Valerie Besthoff Marcus

Ben Leffen
NOTARY PUBLIC

53-1
48-13
630.585 A2
srb

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority personally came and appeared, Virginia Frank Besthoff, duly authorized to act on behalf of Catherine Partnership, who declared she is duly authorized and did execute the foregoing Certificate of Merger on behalf of Catherine Partnership.

IN WITNESS WHEREOF, the appearers, witnesses and I have hereunto affixed our signatures on this 12th day of December, 1995.

WITNESSES:

CATHERINE PARTNERSHIP

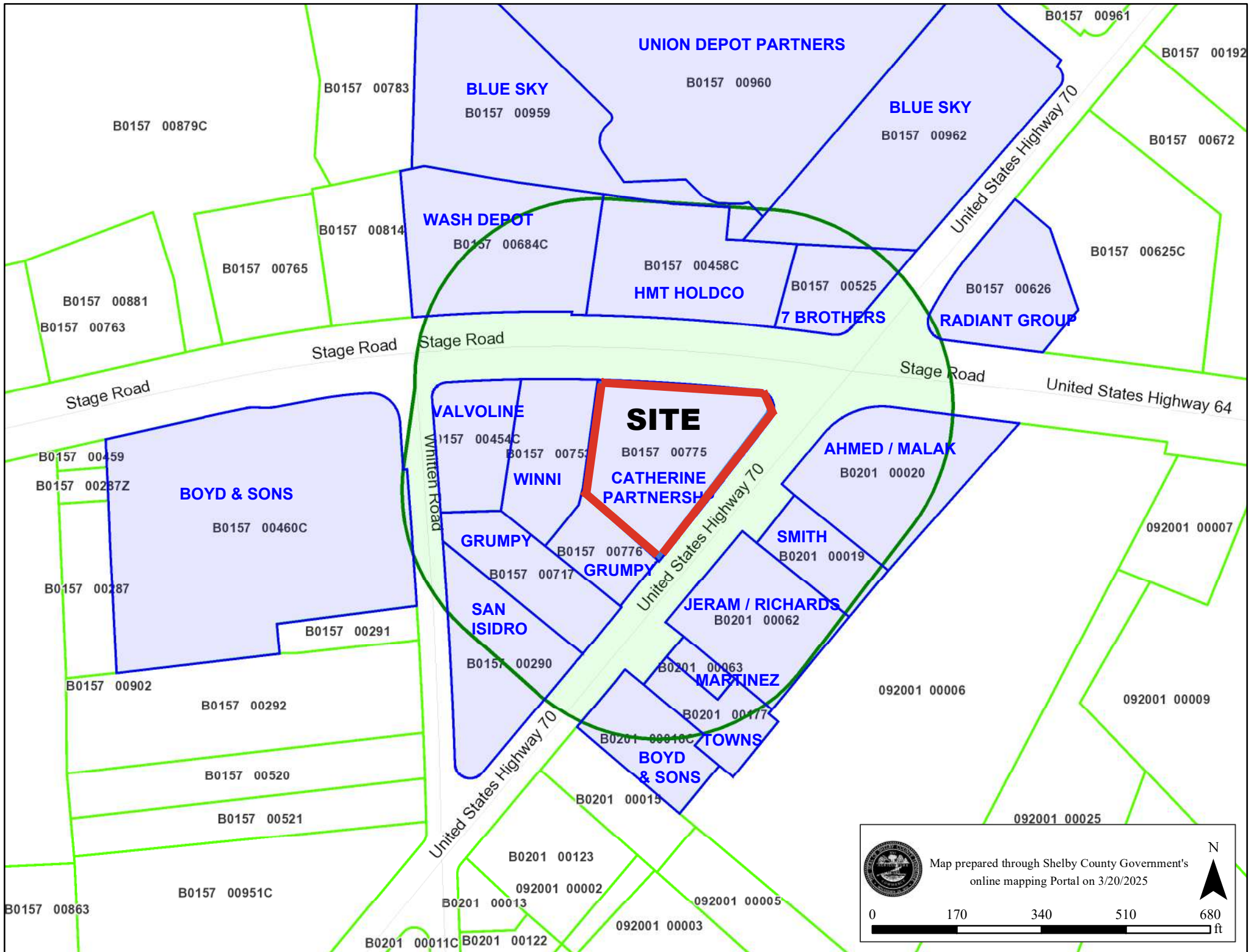
Lisa J. Heller
Susan Rej. Kousky

BY:


Virginia Frank Besthoff
Virginia Frank Besthoff

Ben L. L. L.
NOTARY PUBLIC

53-1
48-13
630.585 A2
srb




B0157 00879C	B0157 00783	BLUE SKY B0157 00959	UNION DEPOT PARTNERS B0157 00960	BLUE SKY B0157 00962	B0157 00961	B0157 00192
B0157 00881 B0157 00763	B0157 00765	WASH DEPOT B0157 00684C	B0157 00458C HMT HOLDCO	B0157 00525 7 BROTHERS	B0157 00672	B0157 00625C
B0157 00459 B0157 00287Z	BOYD & SONS B0157 00460C	VALVOLINE B0157 00454C	Winni B0157 00755	CATHERINE PARTNERS B0157 00775	B0157 00626 RADIANT GROUP	
B0157 00287	B0157 00291	GRUMPY B0157 00717	GRUMPY B0157 00776	SMITH B0201 00019	AHMED / MALAK B0201 00020	
B0157 00902	B0157 00292	SAN ISIDRO B0157 00290	JERAM / RICHARDS B0201 00062	MARTINEZ B0201 00063		092001 00007
B0157 00520	B0157 00521	BOYD & SONS B0201 00015	TOWNS B0201 00015			092001 00009
B0157 00863	B0157 00951C	B0201 00123	092001 00002	092001 00005		
		B0201 00013	092001 00003			
		B0201 00011C	B0201 00122			



Map prepared through Shelby County Government's
online mapping Portal on 3/20/2025

0 170 340 510 680
ft

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B0157 00684C - WASH DEPOT VI INC
B0157 00626 - RADIANT GROUP OF PROPERTIES LLC
B0157 00525 - SEVEN BROTHERS PROPERTIES LLC
B0157 00290 - SAN ISIDRO LLC
B0157 00460C - BOYD & SONS REAL ESTATE & INVESTMENTS
B0157 00753 - WINNY OSCAR LLC
B0157 00717 - GRUMPY LLC A TENNESSEE LIMITED
B0157 00775 - CATHERINE PARTNERSHIP
B0201 00019 - SMITH DUSTIN L
B0157 00454C - VALVOLINE LLC
B0157 00776 - GRUMPY LLC A TENNESSEE LIMITED
B0201 00020 - AHMED SHDI AND LUTFI & MALAK AHMED
B0201 00062 - JERAM GEORGE AND ANDREA RICHARDS (RS)
B0201 00177 - TOWNS MARK
B0201 00016C - STEWARD DAVID FOSTER LIVING TRUST
B0201 00063 - MARTINEZ JESUS
B0157 00458C - HMT HOLDCO LLC (10%) AND MARIAN H KELLY
B0157 00962 - BLUE SKY COMMUNITIES INC
B0157 00960 - UNION DEPOT PARTNERS LLC
B0157 00959 - BLUE SKY COMMUNITIES INC

**WASH DEPOT VI INC
14 SUMMER ST 302
MALDEN MA 02148**

**RADIANT GROUP OF PROPERTIES
LLC
384 DISTRIBUTION PKWY
COLLIERVILLE TN 38017**

**SEVEN BROTHERS PROPERTIES
LLC
6926 E SHELBY DR
MEMPHIS TN 38141**

**SAN ISIDRO LLC
221 E CAROLINA AVE
MEMPHIS TN 38126**

**BOYD & SONS REAL ESTATE &
INVESTMENTS
8487 PLEASANT RIDGE RD
ARLINGTON TN 38002**

**WINNY OSCAR LLC
8028 CROSS VILLAGE DR
GERMANTOWN TN 38138**

**GRUMPY LLC A TENNESSEE
LIMITED
1415 GOODMAN RD
HORN LAKE MS 38637**

**CATHERINE PARTNERSHIP
1055 SAINT CHARLES AVE 701
NEW ORLEANS LA 70130**

**SMITH DUSTIN L
10601 BENT RIDGE CV
LAKELAND TN 38002**

**VALVOLINE LLC
P O BOX 55630
LEXINGTON KY 40509**

**GRUMPY LLC A TENNESSEE
LIMITED
1415 GOODMAN RD
HORN LAKE MS 38637**

**AHMED SHDI AND LUTFI & MALAK
AHMED
6859 HWY 70
MEMPHIS TN 38134**

**JERAM GEORGE AND ANDREA
RICHARDS (RS)
80 PILOT POINT LN
STEWART TN 37175**

**MEMPHIS GOODWILL INC
6895 STAGE RD
MEMPHIS TN 38133**

**TOWNS MARK
7196 HWY 70
BARTLETT TN 38133**

**STEWART DAVID FOSTER LIVING
TRUST
6809 SUMMER AVE
BARTLETT TN 38134**

**MARTINEZ JESUS
1151 EVERGREEN RIDGE CV
COLLIERVILLE TN 38017**

**HMT HOLDCO LLC (10%) AND
MARIAN H KELLY
65 UNION AVE 12
MEMPHIS TN 38103**

**BLUE SKY COMMUNITIES INC
177 CRESCENT DR
COLLIERVILLE TN 38017**

**UNION DEPOT PARTNERS LLC
177 CRESCENT DR
COLLIERVILLE TN 38017**

**BLUE SKY COMMUNITIES INC
177 CRESCENT DR
COLLIERVILLE TN 38017**

**CHRISTINE DONHARDT
THE REAVES FIRM, INC.
6800 POPLAR AVE. STE. 101
MEMPHIS, TN 38168**

**ANDREW MARCUS
AGILE COAST
1055 ST. CHARLES AVE, STE.701
NEW ORLEANS, LA 70130**



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

ADOPTED

ORDINANCE (ID # 3458)

Meeting: 01/09/24 06:00 PM

Department: Planning and Economic Development

Category: Amendment

Prepared By: Melissa Hale

Initiator: Kim Taylor

Sponsors:

DOC ID: 3458 A

Ordinance 23-10, an ordinance to amend the City of Bartlett Zoning Ordinance, by amending Article 1, Section 2, Definitions, to add Small Box Retail Stores, Liquidation Stores, and Liquidation Warehouse Sellers; and, to amend Article V, Chart 1, Uses Permitted, to add Small Box Retail Stores, Liquidation Retail Stores, and Liquidation Warehouse Sellers in certain Zoning Districts with a Special Use Permit; and add to Article VI, Supplementary District Regulations, Section 31, Small Box Retail Stores.

Ordinance 23-10, an ordinance to amend the City of Bartlett Zoning Ordinance, by amending Article 1, Section 2, Definitions, to add Small Box Retail Stores, Liquidation Stores, and Liquidation Warehouse Sellers; and, to amend Article V, Chart 1, Uses Permitted, to add Small Box Retail Stores, Liquidation Retail Stores, and Liquidation Warehouse Sellers in certain Zoning Districts with a Special Use Permit; and add to Article VI, Supplementary District Regulations, Section 31, Small Box Retail Stores.

WHEREAS, the Board of Mayor and Aldermen realizes that, over the past few years, there has been a growing number of Small Box Retail Stores and Liquidation Stores and potential Liquidation Warehouse locations within the commercially zoned areas throughout the City; and

WHEREAS, the Board of Mayor and Aldermen recognizes that these stores provide both convenience and savings to our citizens; and

WHEREAS, these stores offer mostly inexpensive, highly processed, low-nutritive foods and beverages rather than fresh, nutritious food; and

WHEREAS, the Board of Mayor and Alderman desires to promote the availability of fresh and quality foods in the City of Bartlett; and

WHEREAS, while the number of these stores continues to increase, this results in a decrease in the availability of high-demand, commercially zoned locations suitable for a higher class chain of grocers and retailers that would support our citizens' demands and the City's economic base; and

WHEREAS, a diversity of retail options has the potential to revitalize commercial centers and improve access to a healthy diet to the people of Bartlett; and

WHEREAS, the purpose of this Article is to regulate the location and operation of Small Box Retail Stores, Liquidation Stores, and Liquidation Warehouse Sellers in order to provide more opportunities for product sales, greater diversity of retail options, and the availability of fresh and quality foods in the City of Bartlett; and

WHEREAS, due to their demand and popularity, Small Box Retailers may be allowed in the City, with the approval of a Special Use Permit, within the "C-G" General Business Zoning District, the "C-H" Highway Business Zoning District, and "SC-I" Planned Unit Commercial Development; and

WHEREAS, Liquidation Stores and Liquidation Warehouse Sellers, may be allowed in the City, with the approval of a Special Use Permit, within the "I-0" Wholesale and Warehouse District and "I-P" Planned Industrial Park; and

WHEREAS, the City of Bartlett Planning Commission reviewed the proposed amendment during its regular meeting held on December 4, 2023, and made a recommendation to the Board of Mayor and Aldermen that the proposed amendment be approved; and

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on January 9, 2024, pursuant to notice thereof published in a newspaper of general circulation on December 21, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, that:

Section 1. Article 1, Section 2, Definitions, of the Bartlett Zoning Ordinance is hereby amended to add the following definitions:

Small Box Retail Stores are retail stores that are less than 15,000 square feet in floor area that sell a variety of goods directly to consumers for ten dollars (\$10.00) or less. In addition, the majority of goods are sold at prices that are less than MSRP or regular retail prices. Pharmacies and grocery stores are exempt from this definition.

Liquidation Stores are discount retail stores that utilize 3,000 square feet in floor area or less, that sell open-box items, overstock items, outdated items, returned items which can be models used for product samples, and discontinued products. Liquidation stores are able to sell clothes, electronics, furniture, and toys (among many other things) at way-below-MSRP prices because the items are purchased at bulk discount.

Liquidation Warehouse Sellers are discount retail sellers that require floor area spaces that are greater than 3,000 square feet. These sellers typically sell larger quantities of open-box items, overstock items, outdated items, returned items; models used for product samples, and discontinued products to the public. Liquidation warehouse sellers are able to sell clothes, electronics, furniture, toys, housewares, etc. (among many other things) at way-below-MSRP

prices because the items are bought at a discount.

Section 2. That Article V, Chart I, "Uses Permitted in the Zoning District," of the Bartlett Zoning Ordinance is hereby amended to read as follows:

Chart 1. Uses Permitted in Zoning Districts

(Amended by Ord. #02-04, 4/9/02; Ord. #02-10, 8/13/02; Ord. #02-16, 12/10/02, Ord. #06-12, 9/12/06, Ord. #07-14, 9/11/07, Ord. #10-02, 5/11/10, Ord. #10-04, 6/8/10, Ord. #10-05, 7/27/10, Ord. #12-01, March

2012, Ord. #18-04, 7/10/18, and Ord. #19-04, Oct. 2019 *Ch 7_12-08-20*)

Legend:

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission

P* - Requires Outline Plan approval by the Planning Commission and the Board of Mayor and Aldermen

S - Uses recommended for approval with Special Use Permit approval by the Planning Commission and Board of Mayor and Aldermen:

S*Special Use Permit with the addition of a Master Plan of Development concept and Outline Plan of Conditions.

T*Use recommended for approval with Short-Term Rental Permit, Type I, issued by the Bartlett Code Enforcement Office;" and "T** Use recommended for approval with Short-Term Rental Permit, Type 2, issued by the Bartlett Code Enforcement Office upon proof that the dwelling unit was used as a Short-Term Rental Unit and that all taxes, including room, occupancy and sales tax, due on renting the dwelling unit pursuant to Title 67, Chapter 6, Part 5 of the Tennessee Code Annotated were paid for filing periods that cover at least six (6) months within the twelve-month period immediately preceding July 10, 2018.

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-T H E	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	SC-1	I-O	I-P	F W
DWELLINGS																			
Single Family Detached	X	X	X	X	X	X	P	X		P	P								
Single Family Attached							P	P											
Two Family								X											
Town House							P		P										
Multiple Family									P										
Guest unit (Specific criteria for approval in Article VI, Section 28.)	X	X	X	X	X	X													
Planned Unit Residential		S	S	S	S	S	S	S	S										
Planned Residential Development in Bartlett Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Bed and Breakfast	S	S	S	S	S	S	S	S	S										
Short-Term Rental ("STR") Type 1		T*	T*	T*	T*	T*	T*	T*	T*										
Short-Term Rental ("STR") Type 2	T**	T**	T**	T**	T**	T**	T**	T**	T**	T**	T**								
INSTITUTIONS																			
Airport/Heliport	S														S		S	S	
Assisted-Care Living Facility	S	S	S	S	S	S	S	S	S					S	S	S			
Cemetery	S														S				

A--V-40

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-T H E	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	SC-1	I-O	I-P	F W
Child Care Home, Family (5-7 Children)		S	S	S	S	S	S	S	S					P	P		P	P	
Child Care Home, Group (8-12 Children)		S	S	S	S	S	S	S	S					P	P		P	P	
Children's Home	S	S	S	S	S	S	S	S	S										
Church	S	S	S	S	S	S		S						P	P	P	P	S	
Home for the Aged	S	S	S	S	S	S	S	S	S					S	S	S			
Hospital														P	P				
Lodge, Club, Country Club	S	S	S	S	S	S								P	P				
Museum		S	S	S	S			S		P	P	P		P	P		P	P	
Nursing Home	S	S	S	S	S	S	S	S	S					P	P				
Parks/Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Riding Academy	S																		
School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL																			
Amusements, Commercial Indoor														P	P	P			
Amusements, Commercial Outdoor															S				

Animal Grooming Service													P		P	P	S	P		
Automobile Gas Station													S	S		P	P			
Automobile Oil Change and Lubrication Shop																P				
Automobile Paint or Body Shop																S		S		
Automobile Rental																S				
Automobile Rental Satellite															S	S				
Automobile Repair, General [See also "Repair, Equipment and Large Vehicle"]															S	S		S		
Automobile Upholstery, Interior, and Glass Repair; Van Conversion Service															S	S		S		
Bail Bonding																	S			
Bakery, Retail													P	P		P	P	P		
Bank See "Finance"																				
Barber or Beauty Shop													P	P	P	P	P	P		
Boat Rental or Sale																S				
Boat Storage or Repair																S		S		

A--V-41

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-THE	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	SC-1	I-O	I-P	F-W
Catering Establishment less than 3,800 sq. ft. in floor area														P	P	P	P		
Child Care Center (13+)												P	P	P	P	P	P	P	
Child Drop-In Center														S	S	S			
Coin-Operated Laundry														S	P				
Communications Tower															S		S	S	
Contractor's Business															P		P	P	
Convenience Store													S	S	P	P			
Crematorium																	S		
Department Store														P	P	P			
Drive-In Theater															P				
Drug Store													P	P	P	P			
Dry Cleaning & Laundry													P	P	P	P			
Finance - Commercial Bank, Credit Union, or Savings Institution												P	P	P	P	P	P		
Finance - Consumer Lending Establishment															S				
Finance - Financial Lending Establishment, Miscellaneous										P	P	P	P	P	P	P			
Finance - Securities, Commodity Contracts, and Other Financial										P	P	P	P	P	P	P			

Investments and Related Activities																			
Flower or Plant Store (indoor)											P	P	P	P	P				
Food Market												P	P	P	P				
Funeral Home													S	S					
Garage for Auto Repair: See "Automobile Repair, General"																			
Greenhouse or Nursery-- Commercial	S												S	P					
Hookah Lounge, Bar, Parlor, Cafe														S					
Hotel or Motel													P	P					
Laboratory														P		P	P		
Liquidation Stores and Liquidation Warehouse Sellers																S	S		
Lumber Yard														S		P			
Manufactured (Mobile) Home Dealer														S					

A--V-42

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-T H E	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	SC-1	I-O	I-P	F W
Motor Vehicle Sales, New															S				
Motor Vehicle Sales, Used															S				
Music or Dancing Academy														P	P	P			
Offices										P	P	P	P	P	P	P	P	P	
Pawn Shop															S				
Pharmacy												P	P	P	P	P			
Photo-Finishing Pick-up Station													P	P	P	P			
Planned Commercial or Industrial Development														P*	P*	P*	P*	P*	
Plumbing Shop																	P		
Processing and Manufacture Incidental to Retail Establishments														S	P				
Radio or TV Studio															P		P		
Repair, Equipment and Large Vehicles																	S		
Repair, General														P	P				
Restaurant (Sit Down Dining)												S	P	P	P	P			
Restaurant (Drive through Service)													P	P	P	P			
Retail Secondhand Store															S	S			
Retail Shop													P	P	P	P			

Retail Sales Incidental to Office Uses										P	P								
Services, Business										P	P	P	P	P	P	P	P		
Services, Personal										P	P	P	P	P	P	P	P		
Sexually Oriented Business															S				
Sheet Metal Shop																	P		
Small Box Retailer														S	S	S			
Smoke Shop or Tobacco Store														S	S				
Storage, Climate Controlled															P	S			
Tattoo or Body-Piercing Establishment															S				
Tavern, Cocktail Lounge, Night Club, Bar														S	S				
Truck or Trailer Rental															S				
Vehicle Wash														S	P		P		
Vehicle Wash, Industrial																	S		
Veterinary Clinic												P		P	P	S	P		
Warehouse																	P	P	

A--V-43

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-TH E	R-D	R-M	O-R-1	O-R-2	0-C	C-L	C-G	C-H	S C-1	I-O	I-P	FW
Warehouse, Mini Storage															S		P		
Warehouse, Display															P		P	P	
Wholesale & Distribution																	P	P	
INDUSTRIAL																			
Manufacture, Storage or Distribution of:																			
Chemical, Cosmetics, Drugs, Paint, & Related Products																		P	
Electrical or Electronic Equipment, Appliances & Instruments																	P	P	
Fabricated Metal Products & Machinery																	P	P	
Food & Beverage Products Except Live Animal Processing																	P	P	
Jewelry, Silverware, Musical Instruments, Toys, Sporting Goods, Art Supplies																	P	P	
Petroleum, Products and Distribution																	P		
Printing & Publishing																	P	P	
Stone, Clay, Glass and Concrete Products																	P		
Textile & Apparel Products																	P	P	

Truck or Motor Freight Facility																	S		
Utility Substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Production or Treatment Station	P														P		P	P	
OTHER USES																			
Agricultural Production: Grain, Fruit, Vegetables, Field Crops and Nursery	X																		
Landfill Operations	S																S		
Livestock, Horse, Dairy, Poultry, Egg Production	X																		
Post Office Facility														P	P	P	P	P	
Commercial Satellite TV Dish													X	X	X	X	X	X	
Telephone Service Center														P	P	P	P	P	
Wireless Communication Facility	S	S	S	S	S	S	S	S	S			S		S	S		S	S	S

Section 3: Article VI, Supplementary Regulations, is hereby amended to add a new Section 3I, Small Box Retail Stores, which reads as follows:

Subsection A. Definitions:

Small Box Retail Stores are retail stores that are less than 15,000 square feet in floor area that sell a variety of goods directly to consumers for ten dollars (\$10.00) or less. In addition, the majority of goods are sold at prices that are less than MSRP or regular retail prices. Pharmacies and grocery stores are exempt from this definition.

Subsection B. General Intent:

To avoid over-concentration, a small box retail store must be separated from another small box retail store at a minimum distance of two (2) miles within the City limits and outside of the City limits when a location is being selected within the City of Bartlett's jurisdiction. The required separation distance must be measured in a straight line from the nearest point on the lot line of the occupied property, or the property that will be occupied by a small box retailer, to the nearest point on the lot line of the other property occupied by a small box store.

Subsection C. Conditions:

1. Small box retailers are required to submit a Special Use Permit application to the Bartlett Planning Commission for review and to obtain Special Use Permit approval from the Bartlett Board of Mayor and Aldermen.
2. A small box retail store must be separated from another small box retail store at a minimum distance of two (2) miles within the City limits and outside of the City limits when a location is being selected within the City of Bartlett's jurisdiction.

3. Small box retail stores are not permitted to have outdoor displays, sales or storage unless the outdoor displays, sales or storage is in-conjunction with a Special Event Permit.
4. Small box retail stores are not permitted to sell secondhand goods.
5. Small box retail stores must be professional, organized and neat in appearance; clean and sanitary both inside and outside of the store at all times. No more than ten percent (10%) of the floor area may have items displayed for sale in bins.
6. Any small box retail store location approved prior to the effective date of this section shall be considered a legal nonconforming use.

Section 4. Severability

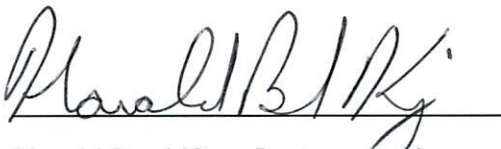
Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Effective Date: BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on the third and final reading, the public welfare requiring it.

FIRST READING: December 12, 2023

SECOND READING: December 19, 2023

THIRD READING: January 9, 2024



Harold Brad King, Register to the
Board of Mayor and Aldermen



David Parsons, Mayor

ATTEST: 

Penny Medlock, City Clerk

RESULT: **APPROVED ON THIRD AND FINAL RE [UNANIMOUS]**

MOVER: Kevin Quinn, Alderman

SECONDER: Jack Young, Vice Mayor

AYES: King, Griffin, Reaves, Williams, Young, Quinn