



City of Bartlett

David Parsons, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING AGENDA

TUESDAY, SEPTEMBER 10, 2024 - BARTLETT CITY HALL - 6:00 PM

INVOCATION

Opening Prayer by Fred Shackelford, Ellendale Baptist Church

FUTURE MEETINGS

Parks and Recreation Advisory Board, September 12 at 6 p.m.

Historic Preservation Commission, September 16 at 6:30 p.m.

Bartlett Arts Council, September 17 at 6 p.m.

BPACC Advisory Board, September 17 at 6 p.m.

Design Review Commission, September 17 at 6:30 p.m.

Board of Zoning Appeals, September 19 at 6:30 p.m.

RECOGNITIONS

Proclamation for Suicide Prevention Awareness Month

Official Business of the Day

MINUTES ACCEPTANCE

Minutes of the August 27, 2024 Board of Mayor and Aldermen Regular Meeting

PUBLIC HEARING

Individuals will have a maximum of three minutes to speak either for or against the item, with a total of 20 minutes for each side.

- I. Resolution 30-24, a resolution approving a Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70, within the "R-TH" Townhouse Residential and "RS-10" Single Family Residential Zoning Districts.

UNFINISHED BUSINESS

- 1 Resolution 30-24, a resolution approving a Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70, within the “R-TH” Townhouse Residential and “RS-10” Single Family Residential Zoning Districts. (Kim Taylor, Director of Planning and Economic Development)**
- 2 Second Reading of Ordinance 24-09, an ordinance to amend Article I, Section 2 Definitions of the Bartlett Zoning Ordinance; and Article IV, Section 12(a) of the Bartlett Subdivision Ordinance, Title 14, Chapter 1, Appendix B, of the Codified Ordinances of the City of Bartlett, Tennessee. (Kim Taylor, Director of Planning and Economic Development). The public hearing is set for September 24, 2024.**

CONSENT AGENDA

- 1 Big Jim's Christmas Trees and Pumpkins. (Trey Arthur, Director of Code Enforcement)**

The event will be held from September 21st through December 21st from 9:00 a.m. to 9:00 p.m. at 6777 Stage Road.
- 2 Special event permit for St. Ann Multicultural Festival. (Trey Arthur, Director of Code Enforcement)**

The event will be held on Saturday, October 5th from 10:00 a.m. to 4:00 p.m. at 6529 Stage Road.
- 3 Commercial Subdivision Contract for Bah Legacy Square. (John Horne, Director of Engineering)**

The developer, 7B Memphis, LCC, will pay \$1,625.00 in City fees. The bond is set at \$0.00.
- 4 Construction Administration Services for Dixon Brewer CDBG Grant Project. (Paul Wright, Director of Parks and Recreation)**

Change order to approve construction administration services from Ross Witt, PLLC in the amount of \$10,500.00. Funds are available in Accounts 311.48311.772.51623 and 110.44300.922.

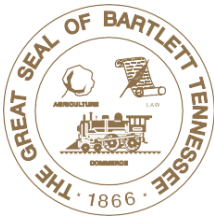
NEW BUSINESS

- I Resolution 33-24, a resolution to amend the Fiscal Year 2025 Bartlett City General Purpose School Fund and School Nutrition Fund. (Dick Phebus, Director of Finance)**

OPEN DISCUSSION

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.

ADJOURNMENT



City of Bartlett

David Parsons, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, AUGUST 27, 2024 - BARTLETT CITY HALL - 6:00 PM

ATTENDANCE

Mayor David Parsons: Absent, Alderman Brad King: Present, Alderman Robert Griffin: Present, Alderman David Reaves: Present, Alderman Monique L. Williams: Present, Vice Mayor Jack Young: Present, Alderman Kevin Quinn: Present.

INVOCATION

Opening Prayer by Chaplain Johnny Byrd, Legacy Church

FUTURE MEETINGS

Beer Board, September 3 at 6 p.m.

Planning Commission, September 3 at 6:30 p.m.

Bartlett Station Commission, September 4 at 7:30 a.m. (cancelled)

City Beautiful Commission, September 5 at 6:30 p.m.

RECOGNITIONS

Official Business of the Day

MINUTES ACCEPTANCE

Minutes of the August 13, 2024 Board of Mayor and Aldermen Regular Meeting

Minutes Acceptance: Minutes of Aug 27, 2024 6:00 PM (MINUTES ACCEPTANCE)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Kevin Quinn, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Brad King, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

- 1 Special event permit for Stanky Creek Mountain Bike Race. (Trey Arthur, Director of Code Enforcement)**
The event will be held on Saturday, September 29 from 9 a.m. to 7 p.m. at Nesbit Park.
- 2 Purchase a Freightliner Day Cab Tractor. (Matt Crenshaw, Director of Public Works)**
Request authorization to purchase one Freightliner Day Cab Tractor from Tag Truck Center at a total cost of \$136,609.64. Tag Truck Center is a Sourcewell provider, contract # 032824-NAF. Funds are available in Account 122.48122.935.
- 3 Proposal for ARPA Grant Administration Funds. (John Horne, Director of Engineering)**
Recommend accepting the proposal from SIC Project Management, Inc. This proposal is for Grant Administration (as required by TDEC) of the entire ARPA Funds Process. SIC's proposal totals \$266,200.00 for four and a half years of work. Funding is available in the FY25 approved budget.

NEW BUSINESS

I Bartlett Library Enhancements. (Steve Sones, Chief Administrative Officer)

Chief Administrative Officer Steve Sones shared that the City entered into a contract with Avenu Insights & Analytics to operate the Bartlett Public Library beginning July 1, 2024. As the transition from MPL to Avenu was occurring, the City of Memphis contracted Banks, Finley, White & Company to conduct an invoice review of books and materials spanning FY2021 through FY2023. They determined that the Memphis Public Library owed the City of Bartlett \$97,584.09 from unspent proceeds related to the purchase of certain books and materials occurring over those fiscal years. That amount was subsequently reduced from the final MPL operating bill.

During previous work sessions leading up to the Avenu transition, the City of Bartlett agreed to re-invest a portion of the anticipated unspent proceeds back into the library to update the physical and digital collection as well as make some minor interior improvements.

Library Director Felicia Knox shared a presentation with Board of how the proposed monies will be re-invested into the facility.

Minutes Acceptance: Minutes of Aug 27, 2024 6:00 PM (MINUTES ACCEPTANCE)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brad King, Alderman
SECONDER:	Robert Griffin, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

2 Resolution 31-24, a resolution of the City of Bartlett, Tennessee in support of public safety to advocate for a comprehensive juvenile rehabilitation and detention center to be located in West Tennessee. (Steve Sones, Chief Administrative Officer)

Mr. Sones explained that this resolution has support from all suburban Mayors in Shelby County as a collective effort to advocate for a juvenile rehabilitation and detention center to be located in West Tennessee.

He stated that public safety is a top priority in Bartlett, and the police department's continued efforts have resulted in a reduction in crime last year. However, during that same timeframe, over five hundred serious juvenile charges were filed in Juvenile Court from the jurisdictions spanning Shelby County. He also explained that there is no place in West Tennessee capable of rehabilitating that significant number of juveniles.

The collective municipalities are submitting separate resolutions to formally request the State of Tennessee to perform a feasibility study of the shuttered West Tennessee Federal Detention Facility in Mason, Tennessee, to explore the prospect of repurposing this 600-bed facility and turning it into a comprehensive juvenile rehabilitation and detention center to serve West Tennessee.

Alderman King asked about the limited number of places to house juveniles. Mr. Sones there is no location that can hold a significant number of juveniles with the Wilder Center in Mason being the largest, only holding 70.

Alderman Reaves confirmed that only suburban municipalities were requesting this study.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Brad King, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

3 Resolution 32-24, a resolution to amend the Fiscal Year 2025 General Fund Budget to appropriate \$98,400 for 2024 peace officer retention bonus and 2023 supplemental pay for police department certified personnel. (Dick Phebus, Director of Finance)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Griffin, Alderman
SECONDER:	Brad King, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

4 First Reading of Ordinance 24-09, an ordinance to amend Article I, Section 2 Definitions of the Bartlett Zoning Ordinance; and Article IV, Section 12(a) of the Bartlett Subdivision Ordinance, Title 14, Chapter 1, Appendix B, of the Codified Ordinances of the City of Bartlett, Tennessee. (Kim Taylor, Director of Planning and Economic Development)

Director of Planning Kim Taylor explained that this ordinance is a City initiated ordinance to amend the lot of record definition in the Zoning ordinance. It will also amend the Subdivision ordinance to change the threshold

Minutes Acceptance: Minutes of Aug 27, 2024 6:00 PM (MINUTES ACCEPTANCE)

date for exempt parcels of land and to add language which will allow staff to review and approve minor 2 lot subdivisions on behalf of the Planning Commission. However, if staff deems it necessary to forward applications to the Planning Commission for approval, this can be done. This ordinance was heard at the August 2024 Planning Commission meeting and comes to the Board of Mayor and Aldermen with a favorable recommendation for approval.

The public hearing was set for September 24, 2024.

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]	Next: 9/10/2024 6:00 PM
MOVER:	David Reaves, Alderman	
SECONDER:	Brad King, Alderman	
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn	

5 Appoint Karen Cook Twele as City Prosecutor effective September 1, 2024. (David Parsons, Mayor)

Judge Tim Francavilla administered the Oath of Office to Ms. Twele upon Board of Mayor and Aldermen approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Robert Griffin, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

OPEN DISCUSSION

Citizens spoke during Open Discussion regarding the Bartlett Grove Park improvement plan.

The following citizens expressed concerns in opposition to the grant proposal. Those concerns included increased foot traffic, crime and safety issues, restrooms near homes, and positions that their input had not been requested.

In opposition:

Jesse Brereton, 3039 Cotulla Cove
 Lauren Brereton, 3039 Cotulla Cove
 Phil Casebeer, 3100 Lisa Marie Cove
 April Richardson, 7134 Santa Cruz Dr.
 Kerry Smith, 3141 Lisa Marie Cove.

The following citizens were in favor of the improvement plan. They affirmed the upgrades to dated equipment to allow individuals of all ages and abilities to play together in a fully inclusive environment. They felt that the newer equipment would offer a variety of levels of challenges for all kids to enjoy in safe environment. They also stated that this would be the first all-inclusive playground of the City. They suggested that restrooms might be moved more to the interior of the park rather than near homes. They shared that their families often travel outside of Bartlett to enjoy more updated equipment.

In favor:

Ryan Smith, 7224 Andrews
 Stephen Carrigan, 7008 8th Road

ADJOURNMENT

Meeting adjourned at 6:44 PM

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

David Parsons, Mayor

Minutes Acceptance: Minutes of Aug 27, 2024 6:00 PM (MINUTES ACCEPTANCE)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 3643)

Meeting: 09/10/24 06:00 PM
Department: Planning and Economic Development
Category: Special use permit
Prepared By: Penny Medlock

Initiator: Kim Taylor

Sponsors:

DOC ID: 3643

Resolution 30-24, a resolution approving a Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70, within the “R-TH” Townhouse Residential and “RS-10” Single Family Residential Zoning Districts.

WHEREAS, an application has been made for a Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70, within the “R-TH” Townhouse Residential and “RS-10” Single Family Residential Zoning Districts.

WHEREAS, according to Article 6, Section 29 of the Bartlett Zoning Ordinance, a Special Use Permit is required within the “R-TH” Townhouse Residential and “RS-10” Single Family Residential Zoning Districts to allow a Residential Mixed Use Development.

WHEREAS, the Planning Commission reviewed the proposed Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70 on Monday, August 5, 2024, in accordance with their regulations and approved the favorable recommendation of approval of the Special Use Permit; and

WHEREAS, the Board of Mayor and Aldermen held a Public Hearing on the 10th day of September, 2024, and approved the Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70, subject to the following conditions:

Engineering Conditions:

General:

1. A Subdivision contract will be required and will be prepared by Engineering and submitted to the developer/engineer for review to cover the fees to be paid to the City of Bartlett.
2. Applicant/ Engineer shall provide a **digital set of drawing** files showing the sanitary sewer lines, drainage lines, lot lines and all improvements in AutoCAD format to dhubbard@cityofbartlett.org <<mailto:dhubbard@cityofbartlett.org>> and ecampbell@cityofbartlett.org <<mailto:ecampbell@cityofbartlett.org>> for use in the preparation of the Water Design Plan. This plan will be coordinated with the site design engineer to resolve any conflicts.
3. A SWPPP permit will be required and shall be submitted to TDEC and to the City of Bartlett Engineering office.
4. All new utilities shall be underground.
5. There is an existing 8” water line on the west side of Highway 70. A waterline extension must be bored under Highway 70 and may need to be brought through the development and reconnected through another parcel. A fire hydrant will be required within 400’ of the

proposed building for Phase I. Commercial fireflows will be required for Phase I. In addition, a future 12" waterline will need to be installed across the entire frontage on Highway 70. Certified as-builts will be required on the public water.

6. Since this project is located in the Fletcher Creek Sewer Basin approval for additional connections is dependent on developer receiving written approval from the City of Memphis for new sewer connection.
7. Since this project is located in the Fletcher Creek Sewer Basin the sewer plan of the private underground sewer storage tank and pump station, will require final approval by City of Memphis.
8. A curb cut and access road shall be provided to service the sewer storage tank.
9. A COS will need to be set aside to accommodate the central mailbox location required in all new developments.
10. Detention will be required. Developer's engineer may complete a hydraulic study to determine if there is available capacity in the regional detention basin to the east of this site.
11. Finished floor elevations shall be set for properties near the detention basin.

Planning Comments:

1. The subject property is buffered from the adjacent Burloe and Shady Oaks Subdivisions by the vacant 10 acres north of the subject property and the vacant 9 acres south of the subject property.
2. The applicant intends to work with the adjacent property owner of the vacant 9 acres zoned for Neighborhood Office to obtain additional vehicle access from Yale Road.
3. The applicant does not intend to have access from the vacant residential property and Burloe Subdivision located north of the subject property.
4. The applicant could develop the subject property with a standard "R-TH" or "RS-10" subdivision identical to the neighboring Burloe and Shady Oaks Subdivisions with no public notice required through a standard subdivision process approved by the Planning Commission.
5. The applicant will have five years from the date of the approval of the Special Use Permit for the Residential Mixed Use Development to record the final plat for subdivision of the subject property, or to obtain site plan approval and a current building permit should no subdivision of land be necessary. Otherwise, the underlying zoning will apply to any future development of the property.

Planning Conditions:

1. The applicant shall show in the future development submittals that the proposed density will not exceed the available sewer and water capacity, and the proposed location and intensity of the land use should not cause traffic congestion or preclude the amenities of good housing.
2. The applicant shall show in the future plans, adequate guest parking for residential tenants and residents.
3. The applicant shall show in the future plans, the parking diagram for the townhome lots.

4. Should the Special Use Permit be approved by the Board of Mayor and Aldermen, the applicant shall submit a Master Plan with Outline Plan, Construction Plan, and Final Plan with Outline Plan to the Planning Commission, and Site Plan applications for approval by the Planning Commission and Design Review Commission.
5. The applicant should include a phasing plan for the development with the Master Plan submittal with the intent that Construction Plans, Final Plans, and Site Plans will follow in coordination with each phase.
6. The applicant shall be present at the corresponding Board of Mayor and Aldermen meetings to make decisions relative to any changes that maybe suggested by the Board of Mayor and Aldermen.
7. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

WHEREAS, the Board of Mayor and Aldermen have determined that this Special Use Permit should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, that the Special Use Permit to allow a Residential Mixed Use Development to be located at 7157 Summer Avenue/Highway 70, incorporating the above listed conditions, is approved.

ADOPTED THIS 10th DAY OF SEPTEMBER, 2024.

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

David Parsons, Mayor

Penny Medlock, City Clerk

Trassey Evans
3375 Burloe Lane
Bartlett, TN 38133

Director Kim Taylor
Bartlett City Hall Annex
6382 Stage Road
Bartlett, TN 38134
RE: Mixed Use Development at 7157 Summer Avenue

Greetings Director Kim Taylor:

I am writing for my comments to be addressed for a permit for mixed-use development to be located at 7157 Summer Avenue. As a resident of Bartlett, I am against the resolution. Granting this permit could significantly increase traffic in the area, leading to congestion and safety concerns for pedestrians and residents. This permit could potentially cause a strain on infrastructure; such as an increase on utilities, sewage systems, and public services. The mixed-use development may introduce noise pollution from increased human activity. There is also a risk that the mixed development could negatively affect property values in the area, such as overcrowding and/or decline the neighborhood's appeal. In addition, the introduction of a mixed development will alter the character and charm of "Bartlett" which made me purchase my home in the area in the first place. Lastly, additional residents and visitors from a mixed development could exacerbate existing parking problems in the area, making it harder for residents to find adequate parking near their homes. There are more suitable locations for a mixed development other than 7157 Summer Avenue. Thank you in advance for addressing my comments on being against the mixed-use development at 7157 Summer Avenue.

Best regards,



Trassey Evans

Attachment: Trassey Evans 3375 Burloe Ln (3643 : Res. 30-24 SUP Residential Mixed Use Development)

INTRODUCTION & COVER LETTER

July 1, 2024

Ms. Kim Taylor
Director of Planning, City of Bartlett
6382 Stage Rd
Bartlett, TN 38134

Re: The 7157 Summer Development
Residential Mixed Use Development

Dear Ms. Taylor,

I am pleased to submit this application for a Residential Mixed Use (RMU) Development at 7157 Summer Ave. This site is currently zoned RS-10 and is situated on the east side of Summer just north of Yale Road. It was once a plant nursery and has had a colorful history. We feel that our RMU development proposes improvements that are in keeping with the intent of City Ordinance 19-04, namely making possible new housing options as well as new commercial amenities for the residents of Bartlett.

The 10.16 acre site is comprised of parcel B0157 00421 and B0157 00422. This combined area is proposed to be divided into two districts, a 6.16 acre commercial district on the Summer Avenue frontage and a 4.00 acre residential district deeper within the parcel. The site is bounded by and/or in proximity to a floodway to the south and backs up to a city owned designated stormwater retention area to the east.

The commercial district has already received a letter of intent from an experienced restaurateur. A restaurant will be planned on the property, likely on the west half of the commercial district. This will provide residents of Bartlett with a family friendly dining and entertainment venue that will include regional cuisine and ample outdoor seating areas among the shade trees. A suitable tenant or tenants will occupy a new building(s) along the Summer Avenue frontage rounding out the district.

The residential district will provide single family housing, townhouses, or a mixture of both on the 4.00 western acres. The setting of this acreage deep within the property and currently surrounded by woods to the north and south is an oasis of sorts. We understand that a future residential development is possible on the separately owned adjacent 9.63 acres to the north (parcel B0157 00419C) and that the possibility also exists for residential development on the property to the south (parcel B0157 00941), but acknowledging the floodway. It is our intention to study the possible connection of these future developments with ours for pedestrians and vehicles alike.

We look forward to discussing this with the City should these possibilities take shape. In the interim, our residential proposal is for a self-contained community as illustrated on the attached concept site plan.

In summary, we believe that the proposed development outlined herein presents the City of Bartlett with an opportunity to achieve the civic, economic, and land use goals enumerated in City Ordinance 19-04 for a site with significant unrealized potential. Additionally, our property meets the ordinance required minimum sizes of 5.0 acre, proposing what will be a vibrant RMU development at a manageable and actionable scale of just over 10 acres.

We very much look forward to working with the City of Bartlett Department of Planning and Economic Development as we work through our RMU development application, as well as Engineering, Code Enforcement, and other city staff personnel as the project(s) move forward.

Sincerely,


Mason Jambon
Southern Ave Land Management LLC

OUTLINE PLAN

I. GENERAL STATEMENT

"The 7157 Summer Development," a 10.16 acre ± tract of land located in Bartlett, Tennessee, is a Planned Development that provides a compatible and complementary mixture of residential products and commercial uses.

It is the intent of the Developer that The 7157 Summer Development maintains an urban neighborhood setting through the use of unifying architectural guidelines and cohesive landscaping criteria. The Outline Plan shall serve as the *land* use and transportation plan for development of the site. It is understood that internal roadways and lot arrangements may be adjusted at the time of final design to take advantage of topography, utilities, storm drainage, detention, and market conditions along with other site considerations.

The Conceptual Development Plan shall serve as the conceptual visual plan for the project as a statement of intent for the development. Due to the size of this project and the necessarily general nature of the Conceptual Development Plan, final plans for each phase will be required.

Prior to the development of a given phase, the Developer will submit to the City of Bartlett for approval a Final Site Plan which will illustrate not only the spatial relationship of areas and lots within the phase to be undertaken, but also how those areas and lots relate to adjacent phases. The plan will further provide a visual statement which outlines how the new phase contributes to the completion of the overall vision. It is the intent of this provision to help assure that each phase develops in a way that aligns with overall development goals, but also allows some flexibility in final design and engineering.

The following general guidelines shape the overall intent of the development:

- A. A Homeowners Association and Business Association shall be maintained to assure that development within the neighborhood is completed to the high standards anticipated by the residents and to assure that all features and amenities of the neighborhood which are considered to be common assets, are continuously maintained in a quality manner. Declarations may be separated between residential uses and the business uses including the mixed-use areas.
- B. The community should be developed so that it not only preserves and protects, but also enhances surrounding property. The 7157 Summer Development will reflect sensitivity to the adjacent land uses.
- C. The proposed internal district boundary between the two districts may shift up to 100' without the need to revise the Outline Plan.
- D. The proposed residential parcels shown in the plan data section below represents the conceptual lot sizes shown in the Conceptual Development Plan. Due to the flexible nature of this Planned Development, as Districts may increase or decrease in size, there is no limit to the number of units or density allowed for any District. Instead, the final number of units provided will be driven by the bulk regulations and parking requirements. Number and types of units will be submitted with Final Plans for each phase.

II. USES PERMITTED

A. District 1 - Commercial

Uses allowed by the RMU Overlay District, as modified herein. Allowed ground floor Retail/ Commercial/Office uses include:

- 1. Services
 - a. Banks/ Credit Unions (not Consumer Lending)
 - b. Medical Offices and medical clinics (including dental)
 - c. Beauty / Barber Shops
 - d. Personal services including but not limited to physical therapy, therapeutic massage, fitness related services
- 2. Business Offices
 - a. Professional services
 - b. Medical services
 - c. Business services
- 3. Retail
 - a. Grocery and/or Food Market
 - b. Convenience Stores
 - c. Pharmacy /Drug Store
 - d. Florists and Plant Stores
 - e. Liquor and wine store
 - f. Merchandise sales
 - g. Bakeries
- 4. Indoor Recreation
 - a. Fitness Center
 - b. Golf Simulator/Golf Coaching
 - c. Other indoor recreation as approved by the City Planning Staff
- 5. Lodging
 - a. Hotel
- 6. Restaurants (including the sale of alcohol)
 - a. Venues with sit-down dining
 - b. venues including outdoor seating and entertainment
 - c. Venues including drive-thru service
- 7. Other Office Uses, Retail Shops, Sales, and Services, which are similar to those uses described above and which would be typically found in a main street environment, may be approved by the developer and City Planning Staff.

B. District 2 - Residential

Uses allowed in the RMU Overlay District as modified herein.

- 1. Single-Family detached homes and accessory structures shall be permitted throughout this area. Single-Family lots may be front loaded from publicly accessible streets, gated street, or rear loaded with access from private service drives, as described within this document.
- 2. Attached Townhomes shall be permitted throughout this area as allowed in the RMU Overlay District, as modified herein. Townhomes may be fee-simple lots.
- 3. Additionally, complementary neighborhood uses such as a clubhouse and pool amenity area, along with additional amenities, shall be allowed.

III. BULK REGULATIONS

Development of the neighborhood will be guided by the Outline Plan, and the area use descriptions provided above. Development of individual parcels must be in compliance with the provisions for dimensional regulations and access and circulation conditions provided below.

Other restrictions not specifically addressed here or elsewhere in the conditions (and its attachments) including, but not limited to, setbacks, side and rear yard requirements, minimum lot areas, accessory uses, and parking and loading areas shall be as defined in the City of Bartlett Zoning Ordinance as applicable to the referenced Zoning District for the particular parcel in question. Where provisions of this Outline Plan are in conflict with the above-referenced Ordinance, these provisions shall apply.

A. Site Plan Data

Development Site Acreage 10.16 acres

- 1. Commercial 6.16 acres
- 2. Residential 4.00 acres

B. Building Setbacks and Standards

Height limitations as outlined below shall not apply to architectural features.

- 1. District 1 (Commerical)
 - a. Minimum Lot Width TBD
 - b. Minimum Lot Size TBD
 - c. Minimum Front Setback TBD
 - 1. Front-Loaded Lots TBD
 - 2. Rear-Loaded Lots TBD
 - d. Minimum Side Setback (Each Side) TBD
 - e. Minimum Rear Setback TBD
 - 1. Front-Loaded Lots TBD
 - 2. Rear-Loaded Lots TBD
 - f. Maximum Height 2 stories

BULK REGULATIONS (CONTINUED)

- 2. District 2 (Residential)
 - a. Minimum Lot Width TBD
 - b. Minimum Lot Size TBD
 - c. Minimum Front Setback TBD
 - 1. Front-Loaded Lots TBD
 - 2. Rear-Loaded Lots TBD
 - d. Minimum Side Setback (Each Side) TBD
 - e. Minimum Rear Setback TBD
 - 1. Front-Loaded Lots TBD
 - 2. Rear-Loaded Lots TBD
 - f. Maximum Height 2 stories (single story), 3 stories (townhouses)

* Notes: Appurtenances such as bay windows and fireplaces may encroach on any setback by the maximum distance indicated.

C. Design Standards for District 1

- 1. In general, store fronts shall orient toward a main street or drive.
- 2. Entries: Primary entries shall address a public street, private drive, or designated pedestrian connection. Secondary entries may face parking areas or loading areas.
- 3. Facades: Building facades must be articulated at a minimum with windows, entries, and/ or display bays. Facades shall not consist of an undifferentiated blank wall when facing a public street or sidewalk. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets. Consistent design elements shall be used throughout the storefront area to ensure that the entire mixed-use center functions as a unit.
- D. There shall be no lot coverage limits for any District.

IV. ROADWAYS, ACCESS, AND PARKING

- A. Final improvements (if required) along the property frontage on Hwy 70 will be approved by TDOT.
- B. All public streets interior to the development shall be dedicated and improved in accordance with the 7157 Summer Ave Outline Plan and approved by the City Engineer.
- C. Parking and loading spaces for all Districts shall be in accordance with the City of Bartlett Zoning Regulations. District 2 will follow the Dwellings parking requirements.
- D. All dedicated public improvements required herein shall be made to the specifications of the City of Bartlett, unless otherwise approved.
- E. All corner radii at intersections of public streets within the development may be a minimum of 12' at the face of curb.
- F. Service drives may be a minimum of 20' in width of pavement, with no curb and gutter. All service drives shall be owned and maintained by the Homeowners' Association.
- G. Head-in parking may be provided within the District 1 and District 2 directly off of the ROW of interior public streets in order to provide convenient access.

V. LANDSCAPING AND SCREENING

- A. A Landscape Plan shall be submitted to the City as part of each final plan for development.
- B. The minimum street tree size shall be 2.5 inches in caliper.
- C. Refuse containers and loading areas shall be screened from view of public roadways and residential properties adjacent to the development.
- D. Landscape Plates, including streetscape and buffers, shall be submitted to City for review. Through the Development Agreement process, the Developer may work with City staff to make Landscape Plate modifications.
- E. All required landscaping shall be located on the property such that it shall not interfere with any utility easements and may be altered according to MLGW requirements, including utilization of trees with a smaller mature size than required underneath power lines.
- F. The Development may utilize landscape features such as, but not limited to, masonry columns, icon markers, public art, rail fencing, and ornamental metal fencing as additional streetscape features or entrance treatments at any entrance into the development or into a District. Such features shall be submitted to the City with Final Plans.

VI. SIGNAGE

- A. All signage must be submitted to the City of Bartlett for review and approval prior to sign issuance. Any signs that conform to the Sign Ordinance may be approved administratively.

VII. DRAINAGE FACILITIES & SERVICES

- A. The stormwater drainage system shall be designed and constructed to the drainage design standards of the City of Bartlett stormwater management program and State of Tennessee Department of Environmental Quality.
- B. A Storm Water Pollution Prevention Plan (SWPPP) will be filed with the state authorities prior to commencement of construction.
- C. Grading, drainage, and engineering construction plans to be approved by the City Engineer.
- D. All construction improvements within the development shall be in compliance with erosion and sediment control guidelines and ordinances of the City of Bartlett and the State of Tennessee.

VIII. SANITARY SEWER & SERVICES

- A. Sanitary sewer improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the City of Bartlett and the State of Tennessee.
- B. If required, Sanitary Sewer Plans shall be submitted to the Tennessee Department of Environmental Quality (TDEC) for written approval.

IX. WATER SERVICE / UTILITIES

- A. Public water improvements shall be provided by the Developer under contract in accordance with the subdivision regulations and specifications of the City of Bartlett and the State of Tennessee.
- B. All water services shall be constructed in compliance with the City of Bartlett and the State of Tennessee regulations.
- C. All water services located in a private drive or otherwise outside of public right-of-way shall be within a public easement.
- D. All utilities and services (telephone, cable, etc.) to be installed underground, except for any 3-phase electric service.
- E. Street light plans to be submitted for review and approval by City, as part of final plans. At the discretion of the developer, all street lighting within any District or portion of a District may be either an MLGW approved fixture or a private street light as described below: A private street light may be installed at a uniform distance behind the back of curb throughout the District. The lighting will be maintained by the appropriate Owners' Association.

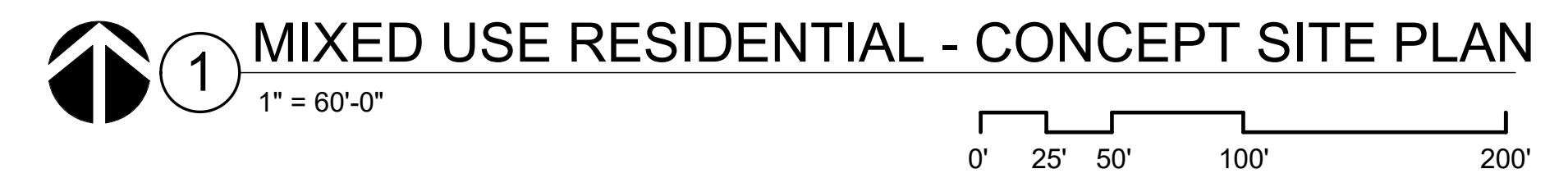
X. DEVELOPMENT PHASING

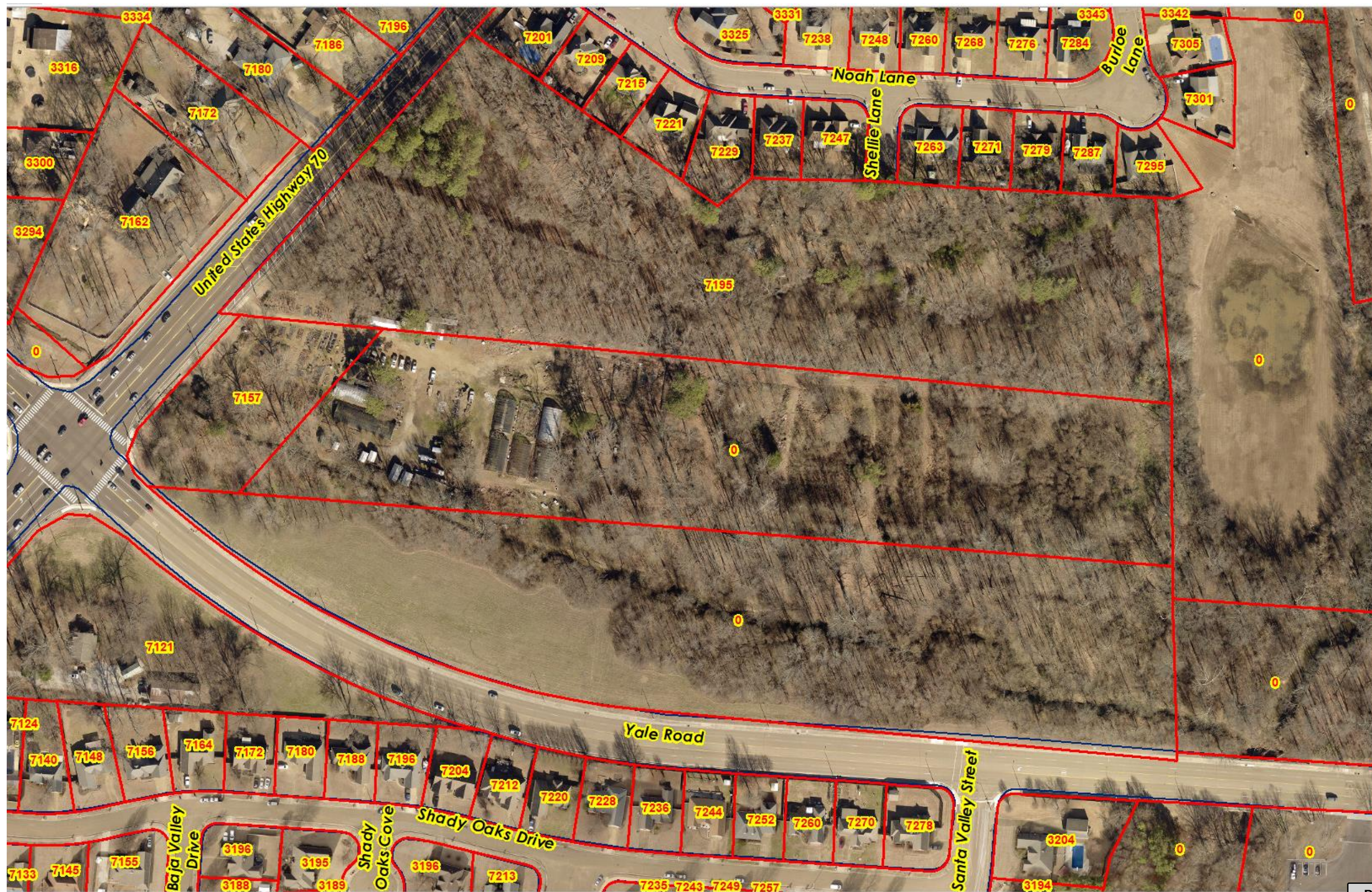
- A. The Preliminary Phasing Plan is subject to change as plans are finalized and as market demands fluctuate. Construction of phases may be singular or a mix to meet current and future market demands.
- B. The order of phases of the Planned Development may be modified by Developer at any time to allow for current and future market demands.
- C. A final site plan/ plat for each phase shall be made in accordance with the City of Bartlett Zoning Ordinance and Subdivision Regulations. A final plan for each area or portion thereof shall be submitted for review by the City of Bartlett Planning Commission in order to establish that it substantially conforms to the conditions of the Union Depot PD Outline Plan.
- D. Changes to lot configuration may occur with the final plans.

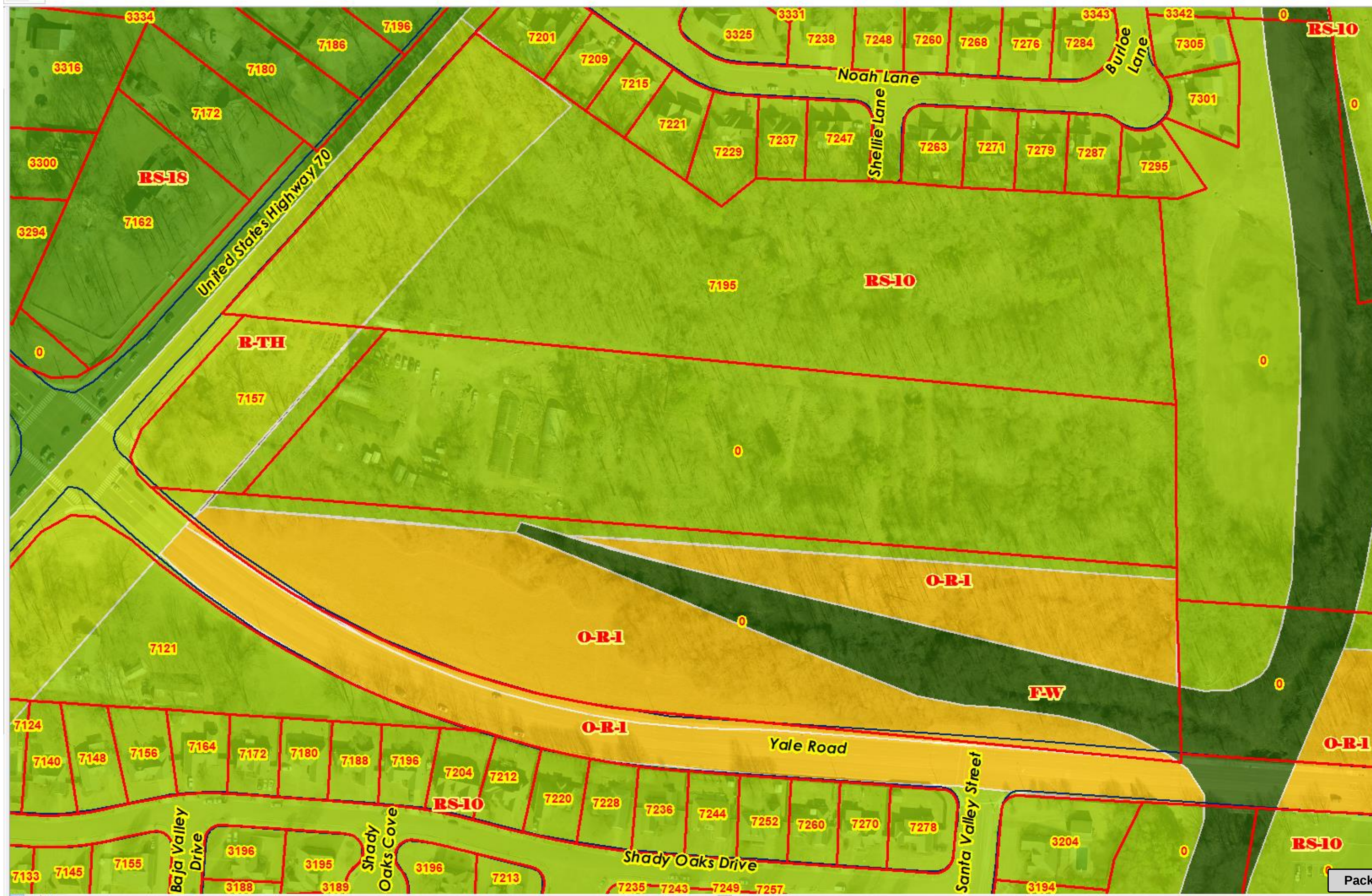
VICINITY MAP



RESIDENTIAL MIXED USE DEVELOPMENT - CONCEPT SITE PLAN
7157 SUMMER AVE







Attachment: 7157 Highway 70 RMU SUP - Aerial and Zoning (3643 : Res. 30-24 SUP Residential Mixed Use Development)

Municipal Planning Commission
Minutes
Monday, August 5, 2024 – 6:30 p.m.

The Bartlett Planning Commission (PC) met in the City Hall Assembly Chamber on Monday, August 5, 2024 at 6:30 p.m. for a regularly scheduled meeting.

The following members were present:

Curtis Sigler, Vice Chairman
David Hunt
Jim Lamb
Ken Demetriou
Josh McNeil
John Conroy, Chairman
Greg Easton
Jack Young, Alderman

The following members were absent:

Paul Kaiser

The following staff/advisors were present: Kim Taylor, Director of Planning; Sam Harris, Senior Planner; Leslie Brock, Planner; Melissa McAfee, Administrative Secretary; Trey Arthur, Director of Code Enforcement; John Horne, Director of Engineering; Howard McNatt, Fire Marshall; Craig Jones, Deputy Fire Marshall; and Ed McKenney, City Attorney; Matt Crenshaw, Director of Public Works

Alderman Jack Young opened the meeting with prayer.

The pledge of allegiance to the flag of the United States of America was recited.

****Official Business of the Day****

Approval of Minutes of the July 1, 2024 meeting

A motion was made by David Hunt to approve the minutes of the Monday, July 1, 2024 meeting as submitted. Curtis Sigler seconded the motion. Roll Call Vote: all members present voted Yes. Motion carries. Minutes were approved.

NEW BUSINESS

Public Hearing

Special Use Permit

1. Residential Mixed Use Development, 7157 Summer Avenue (Mason Jambon, Southern Ave Land Management LLC)

INTRODUCTION: Planning Director Kim Taylor introduced the application for Mr. Mason Jambon, with Southern Ave Land Management LLC, who is requesting Planning Commission approval of a favorable recommendation for a Special Use Permit to allow a Residential Mixed Use Development. The subject property is located at 7157 Highway 70. The subject property has split zoning with the western 200 feet from the Highway 70 frontage within the "R-TH" Townhouse Residential Zoning District and the eastern remainder within the "RS-10" Single Family Residential Zoning District.

BACKGROUND: The subject property is 10.16 acres, and it is the former site of the Bartlett Nursery. In 2019, the City of Bartlett added the Residential Mixed Use Overlay District to Article VI, Section 29 of the Bartlett Zoning Ordinance. The Residential Mixed Use is a site specific special use intended to allow residential uses with mixed uses including commercial and office developments in buildings of two or more stories. The Residential Mixed Use shall be applied for as a Special Use Permit that will be reviewed by the Planning Commission, requiring the final action of the Board of Mayor and Aldermen. The Special Use Permit for the Residential Mixed Use may be allowed in office zoning districts, commercial zoning districts, and residential zoning districts where existing commercial and office zoning directly abuts residential zoning or on lots with combination zoning that includes residential zoning along with commercial, and/or office zoning, and having major and/or minor road frontage.

DISCUSSION: The specific request by the applicant is for the Planning Commission approval of a favorable recommendation for a Special Use Permit to allow a Residential Mixed Use Development on the subject property located at 7157 Highway 70. According to Article VI, Section 29 of the Bartlett Zoning Ordinance, a Special Use Permit is required to move forward with submitting development plans for a Residential Mixed Use Development. The surrounding Zoning Districts are "RS-10" Single Family Residential to the north and east, "O-R-1" Neighborhood Office to the south, and "RS-18" Single Family Residential to the west. The surrounding uses include: residential, nursery, and offices.

Recommendation: Approval of a favorable recommendation to the Board of Mayor and Aldermen with conditions.

Engineering Conditions:

General:

1. A Subdivision contract will be required and will be prepared by Engineering and submitted to the developer/engineer for review to cover the fees to be paid to the City of Bartlett.
2. Applicant/ Engineer shall provide a **digital set of drawing** files showing the sanitary sewer lines, drainage lines, lot lines and all improvements in AutoCAD format to dhubbard@cityofbartlett.org and ecampbell@cityofbartlett.org for use in the preparation of the Water Design Plan. This plan will be coordinated with the site design engineer to resolve any conflicts.
3. A SWPPP permit will be required and shall be submitted to TDEC and to the City of Bartlett Engineering office.
4. All new utilities shall be underground.
5. There is an existing 8" water line on the west side of Highway 70. A waterline extension must be bored under Hwy70 and may need to be brought through the development and reconnected through another parcel. A fire hydrant will be required within 400' of the proposed building for Phase 1. Commercial fireflows will be required for Phase 1. In addition, a future 12" waterline will need to be installed across the entire frontage on Hwy 70. Certified as-builts will be required on the public water.
6. Since this project is located in the Fletcher Creek Sewer Basin approval for additional connections is dependent on developer receiving written approval from the City of Memphis for new sewer connection.
7. Since this project is located in the Fletcher Creek Sewer Basin the sewer plan of the private underground sewer storage tank and pump station, will require final approval by City of Memphis.
8. A curb cut and access road shall be provided to service the sewer storage tank.
9. A COS will need to be set aside to accommodate the central mailbox location required in all new developments.
10. Detention will be required. Developer's engineer may complete a hydraulic study to determine if there is available capacity in the regional detention basin to the east of this site.
11. Finished floor elevations shall be set for properties near the detention basin.

Planning Comments:

1. The subject property is buffered from the adjacent Burloe and Shady Oaks Subdivisions by the vacant 10 acres north of the subject property and the vacant 9 acres south of the subject property.
2. The applicant intends to work with the adjacent property owner of the vacant 9 acres zoned for Neighborhood Office to obtain additional vehicle access from Yale Road.
3. The applicant does not intend to have access from the vacant residential property and Burloe Subdivision located north of the subject property.

4. The applicant could develop the subject property with a standard "R-TH" or "RS-10" subdivision identical to the neighboring Burloe and Shady Oaks Subdivisions with no public notice required through a standard subdivision process approved by the Planning Commission.
5. The applicant will have five years from the date of the approval of the Special Use Permit for the Residential Mixed Use Development to record the final plat for subdivision of the subject property, or to obtain site plan approval and a current building permit should no subdivision of land be necessary. Otherwise, the underlying zoning will apply to any future development of the property.

Planning Conditions:

1. The applicant shall show in the future development submittals that the proposed density will not exceed the available sewer and water capacity, and the proposed location and intensity of the land use should not cause traffic congestion or preclude the amenities of good housing.
2. The applicant shall show in the future plans, adequate guest parking for residential tenants and residents.
3. The applicant shall show in the future plans, the parking diagram for the townhome lots.
4. Should the Special Use Permit be approved by the Board of Mayor and Aldermen, the applicant shall submit a Master Plan with Outline Plan, Construction Plan, and Final Plan with Outline Plan to the Planning Commission, and Site Plan applications for approval by the Planning Commission and Design Review Commission.
5. The applicant should include a phasing plan for the development with the Master Plan submittal with the intent that Construction Plans, Final Plans, and Site Plans will follow in coordination with each phase.
6. The applicant shall be present at the corresponding Board of Mayor and Aldermen meetings to make decisions relative to any changes that maybe suggested by the Board of Mayor and Aldermen.
7. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Chairman John Conroy called for questions from the PC for Director Taylor.

Alderman Jack Young asked Director Taylor for confirmation that the property north of the subject property is 10 acres, heavily wooded, and unaffected by tonight's proposal.

Director Taylor answered in the affirmative. That 10-acre parcel is not included in this project. It will be part of the buffer between this project and the residential

neighbors. The applicant has been asked to add a 30-foot landscape buffer on the northern property line in the commercial sector of the subject property.

Mason Jambon, Southern Avenue Land Management LLC, stepped forward.

Mr. Jambon stated that he is in agreement with conditions and comments in the staff report.

David Hunt noted that there has been talk about a restaurant going into this development. Are there any details on what the restaurant might be?

Mr. Jambon stated that he was a partner in Loflin Yard and Railgarten. They are indoor/outdoor establishments that take up approximately 1.5 to 1.75 acres, not including parking. There would be one central building that resembles a barndominium. He envisions a menu with smoked meats, sandwiches, brisket, barbeque, and things like that. There would probably be a front yard with picnic-style tables and string lights. The back yard would probably look similar, with the possible addition of a small stage for bluegrass and acoustic music. He does not see this location being music centric. Loflin Yard does zero music because it is surrounded by apartments. There is more music at Railgarten because it is surrounded by commercial uses.

Mr. Jambon stated that it is better for him business-wise if there is very limited music at this proposed location, because that is an additional expense. This is meant to be just some place people can go with lots of outdoor seating. It will be busiest in spring and fall, and probably less busy in the summer and winter due to the more extreme temperatures.

Mr. Hunt asked how much parking will be required.

Peter Warren, architect, stepped forward.

Mr. Warren stated that some of their sketched concepts have 120 to 150 proposed parking spaces. A building has not been designed, so the parking is just estimated roughly based on possible building footprints right now. They see the building flowing inside and out with sectional glass doors. Care was taken to make sure the large trees are kept, as shown by the large green circles on the plan. There has been no official tree survey yet. Trees are actually good for business and they try to keep as many as possible.

Greg Easton noted that the downtown location has shipping containers as part of the design. Will this location have shipping containers?

Mr. Jambon stated that this location will have no containers. There is a train track that runs right behind the downtown location, which is what inspired the

more industrial container buildout. This is a heavily wooded area. He would prefer it to feel more like you're at somebody's farm. The building will be brick and mortar.

Josh McNeil asked what the distance from the potential restaurant to the potential neighborhood east of the subject property will be. It looks like a considerable distance.

Mr. Warren stated that it would be the equivalent of several football fields in length.

Mr. Jambon stated that if any live music does occur, he would blow the sound back into the restaurant, not toward the proposed homes. There is so much space and trees between the proposed buildings and Summer Avenue.

Administrative Secretary Melissa McAfee stated that the Planning Department did not received one letter in relation to tonight's public hearing.

Trassey Evans, 3375 Burloe Lane:

Greetings Director Kim Taylor:

I am writing for my comments to be addressed for a permit for mixed-use development to be located at 7157 Summer Avenue. As a resident of Bartlett, I am against the resolution. Granting this permit could significantly increase traffic in the area, leading to congestion and safety concerns for pedestrians and residents. This permit could potentially cause a strain on infrastructure; such as an increase on utilities, sewage systems, and public services. The mixed-use development my introduce noise pollution from increased human activity. There is also a risk that the mixed development could negatively affect property values in the area, such as overcrowding and/or decline the neighborhood's appeal. In addition, the introduction of a mixed development will alter the character and charm of "Bartlett" which made me purchase my home in the area in the first place. Lastly,

additional residents and visitors from a mixed development could exacerbate existing parking problems in the area, making it harder for residents to find adequate parking near their homes. There are more suitable locations for a mixed development other than 7157 Summer Avenue. Thank you in advance for addressing my comments on being against the mixed-use development at 7157 Summer Avenue.

The public hearing opened at 6:43 p.m.

Chairman Conroy called for anyone in favor of approval of a favorable recommendation to the Board of Mayor and Aldermen step forward.

Jacqueline Quinn, 4201 Abelia Hill Drive, stepped forward:

Ms. Quinn stated that she has owned her home for over 30 years. She has 11 grandchildren and has been to Railgarten in Midtown. She is happy to see Bartlett growing because right now, she has to go to Germantown, Collierville, or Memphis to spend her money. Railgarten is a wonderful place for a family. They do have some light music, but she has never heard it going on from outside. It is contained in the building and only plays on Friday and Saturday from 8:00 p.m. to 10:00 p.m. Their website tells you whether or not they will have a band that night and who will be playing. She loves that her children and grandchildren can all meet at Railgarten and the young children can just run around freely. You can also bring your dogs. There are all kinds of activities: large playgrounds, beach volleyball, corn hole, and places to sit.

Ms. Quinn made the point that she does not drink alcohol, but still loves this concept. The restaurant serves awesome food and accommodates everyone regardless of whether or not they choose to drink alcohol there. If there was any noise from the families and children playing, the trees and landscaping would absorb it. This is a great opportunity to spend our money in Bartlett. Bartlett also has the finest police department only a minute and a half away from the subject property. Any issues that did arise would be swiftly dealt with. This will not be a honkytonk bar. It will be a place to meet new friends and see old friends.

Juliet Rose, 4201 Abelia Hill Drive, stepped forward:

Ms. Rose stated that she is in the process of growing her family and currently has 3 children. Everywhere fun to go that is child friendly requires payment, and she

would like to give her money to a Bartlett business. The police department is extremely close to the subject property. She would just like to see a place in Bartlett where she can take her kids to have fun together.

A citizen against approval of a favorable recommendation to the Board of Mayor and Aldermen spoke up. Chairman Conroy asked him to come to the microphone.

Stuart Bothwell, 7172 Shady Oaks Drive, stepped forward:

Mr. Bothwell expressed the desire to have better knowledge of what will actually be built on the subject property if the SUP is approved. He would like more detail and wants to know if there will be further public hearings in order to decide if this is going in a good direction or a bad direction.

Chairman Conroy stated that there will be a lot more detail provided, assuming the SUP is approved by the Board of Mayor and Aldermen.

Mr. Bothwell stated that he does not feel he has enough information to decide whether he approves or disapproves of the proposed SUP.

Direct Taylor stated at this time, there is not full detail showing what the Site Plan will be. We have a concept of what is going to happen at this point. If this SUP get approved, the applicant will be required to come back to this commission one time for Master Plan approval, a second time for Construction Plan approval, a third time for Final Plan approval, then for Site Plan approval. They will then have to go before the Design Review Commission for Site Plan approval. These meetings will not be public hearings, but they are always public meetings in which the public is welcome to attend. Each meeting has an open discussion portion at the end where citizens that submit a form prior to the start of the meeting may speak for 3 minutes during that time. Citizens are also always welcome to call the Planning Department or come by the office to inquire about current plans and applications.

If the applicant does not follow the basic concept plan outlined in tonight's application, they would be required to reapply with an amended SUP and there would be another public hearing.

Chairman Conroy called for anyone else speaking in favor of approval of a favorable recommendation to the Board of Mayor and Aldermen step forward.

Alison Franklin, 3399 Burloe Lane, stepped forward.

Ms. Franklin stated that she is the original owner of her home and has lived there for 21 years. Burloe is adjacent to the old Bartlett Nursery (the subject property).

She is very excited to possibly have this facility down the street from her. She is not concerned at all and has been to Railgarten many times. She is not at all concerned about live music or late night activity that the City of Bartlett could not handle. She is excited to have a place in her town where she is not having to get into an Uber or drive herself. She is also looking forward to having a more walkable community and is hoping for sidewalks. That way, neighborhoods around this property could use the sidewalks to walk there and to nearby Union Depot with their families.

Ms. Franklin added that she and her husband are close-by residents of this proposed development and are in support of it. She does not have children, but many of her friends do. This will allow them to spend time with their friends at a place that they can all enjoy with the children.

Angela Halford, 5904 Sycamore Manor Cove, stepped forward.

Ms. Halford stated that she is a Bartlett resident and local business owner. She does not like being a Bartlett resident yet having to spend her money everywhere else. It is disappointing to watch Millington and other surrounding suburbs keep growing while we are so behind. We are very behind every other suburb around us when it comes to growth. This will give everybody around here something to do.

Ms. Halford pointed out that for those that live nearby and worry about noise issues, she lives by Freeman Park, which frequently holds events and concerts. Nobody that lives around Freeman Park has complained about the noise, so she does not see why this would be any different.

Chairman Conroy called for anyone against approval of a favorable recommendation to the Board of Mayor and Aldermen step forward.

Pam Harrison, 3189 Shady Oaks Cove, stepped forward.

Ms. Harrison stated that she has been a Bartlett resident since 1974. She and her husband fell in love with Bartlett because of its small town feel and proximity to things in the Memphis area. They chose Bartlett to raise their children because they felt it was safe and the police department has been very efficient. She previously lived in the area where Yale Road was cut through. Since Yale Road was cut through, the noise level has significantly increased for residents living on Shady Oaks Cove. There is loud noise at night on Summer Avenue and Yale from the drag racing and increased traffic.

Ms. Harrison's opinion is that she is part of a residential neighborhood. They chose that because they wanted it to be a residential neighborhood. They want to keep it that way because they are Bartlett, and that is what Bartlett's been

famous for as long as she can remember. The Union Depot development will have all kinds of venues and areas for people that want to have that kind of an atmosphere and be right up close to it. She is significantly opposed to tonight's proposed development because it would be getting rid of the residential feel in the area. We do have a great police department, but we should not bring in something that could potentially cause them to have to work even harder. There are so many other things that would detract from the family neighborhood that we've grown accustomed to having. She is not opposed to those who are not Christians, but the majority of the neighborhood is Christian, and everybody is there for the same reason, which is peace and quiet.

Teresa Owens, 7196 Shady Oaks Drive, stepped forward.

Ms. Owens stated that the Highway 70/Yale Road traffic light is visible from her home. She is concerned because the applicant talked about the other side of the landscape buffer, but what will it look like from Shady Oaks to Yale Road? Right now, she can see the trees and deer. Noise is also a concern if they add a driveway, because the traffic is already bad. When they bought their home 26 years ago, Yale Road was cut through. There were horses and the area was quiet, which was great for the family. There is now a lot of noise from fire engines and car radios. She is concerned about how much more noise this development will add, because it can already be heard from inside her house with the doors and windows shut.

Paul Whitworth, 3334 Oak Road, stepped forward.

Mr. Whitworth stated that he agrees with Mr. Stuart. Is this to approve a change in zoning? He does not feel he has enough knowledge to understand it. Are they going to serve alcohol? Is there going to be live music?

Mr. Jambon stated that they will serve alcohol and they might possibly have live music.

Mr. Whitworth asked if the music would be outside.

Mr. Jambon stated that there would possibly be bluegrass or acoustic music in the back of the establishment.

Mr. Whitworth asked what the positive for the residents nearby is going to be if we're going to add noise to the area and serve alcohol. We already have a problem with how the kids drive. You're going to serve alcohol at a place, meaning there is going to be more DUIs. The police department is going to have to do that work. Somebody is going to have to present to the residents that live nearby what the positive is. He sees no positive in this development in terms of

what it is going to do to our community. He looks forward to learning more about what Mr. Jambon proposes to do. When does this become a done deal?

Alderman Young stated that tonight, the PC will vote on a favorable or unfavorable recommendation to the Board of Mayor and Aldermen. It will not become done deal until they vote on it after another public hearing. This project has advantages. It will bring a business to Bartlett that is not currently here and a lot of people want.

Ginger Berry, 7229 Noah Lane, stepped forward.

Ms. Berry stated that her property backs up to the land between her lot and the subject property. She bought her home in Bartlett for the small town feel. She does not have a problem with the Railgarten in Midtown, but if you want to go to Railgarten, you should go to Midtown and keep it all in Memphis. Don't put the strain on our police department.

Heather Laroe, 3349 Broadway Road, stepped forward.

Ms. Laroe stated that her greatest concern is not just the noise, but the traffic flow. It is incredibly hard to get out of her neighborhood since Broadway was connected to Yale Road. Broadway is now a through street that people cut through constantly. At 4:00 a.m. she sees people going very fast down Broadway since nobody is outside paying attention. The same problem happens at 8:00 p.m. She is concerned about traffic from Union Depot and all of the newness. She would like to see Union Depot finished before any other new business is opened, because we don't know how we are going to deal with that. Kroger can't handle the people that we have now. It is empty a lot and there are two of them. You're going to bring in all these new families that need groceries and gas. She would like to hold off on anything being torn down and to deal with the business at Union Depot first.

Sandy Whitworth, 3334 Oak Road, stepped forward.

Ms. Whitworth stated that she lives very close to the subject property. 37 years ago, she and her husband bought a house in a residential area. Any time they have looked for housing, they looked in an area that wasn't right up next to commercial businesses because of the problems. There are strangers around all the time, with restaurants in particular. She has friends that live near restaurants and have rodents in their homes now. Music and alcohol are also problems. They did not bargain for a commercial venue of that magnitude being that near to their house when they purchased it. She does not think anybody here tonight bargained for that, and that everybody here is worried about their property value going down. The City may receive more tax dollars, but the property values will be affected.

The public hearing closed at 7:08 p.m.

Mr. Jambon stated that he understand the concerns, specifically about sound and music. He dealt with it at Loflin Yard downtown. There are apartments all around Loflin Yard. The concession he made was that Loflin does not do music outside, which is feasible for this location as well. The concept for the proposed development has never been music centric. It really is meant to be a family friendly place where you come and your kids can play corn hole, beach volleyball, or whatever they want to play outside. Like any other restaurant, they do want to be able to serve beer and wine.

Mr. Jambon would love to be able to field any concern from neighbors. They have a concept of the building and structure that they want to do, but they have not yet drawn it. They could draw in any sort of sound protection, or whatever they need to do. It is bad business to be a nuisance to the surrounding community. From the beginning, the goal has been not to go somewhere that is going to make people mad. This is meant to be the neighborhood place for customers. He agreed to do no outside music at Loflin because there is no buffer between nearby residents and the restaurant. He is open to whatever needs to be done.

Vice Chairman Sigler clarified that all access, parking, and maneuverability will be on the subject property lot. There will not be a line going out onto Summer Avenue.

Mr. Jambon confirmed this. A little over an acre has been designated for access and parking. It is self-contained behind Summer Avenue and was purposefully kept off the frontage on summer in order to avoid being a noise nuisance to residents that live off of summer. The development will be set back 2 or 3 acres from the road frontage.

Vice Chairman Sigler asked what Railgarten's hours of operation are.

Mr. Jambon stated that during weekdays, they between 9:00 p.m. and 10:00 p.m. On weekends, they close between 10:30 p.m. and 11:00 p.m. He believes that nothing good happens after midnight and does not want anybody on his property then. A lot of business happens during the daytime on Saturdays and Sundays. There is a gated-in area with a large playground, so parents can sit and eat while watching their kids play. It is not a bar, but more of an indoor/outdoor eatertainment concept. People come for the experience as much as they come for the food and beverage.

Mr. Warren stated that he was involved with planning Railgarten. This proposed development is not Railgarten. At this location, the theme and inspiration comes from trees, pine needles, and finding a destination in the yard. There will

probably be a central core building set pretty far back from the road. The experience is the blending of outdoor and indoor, with generous porches and lots of transparency. There will be lots of daylighting inside, with sectional glass doors. It will be a place where kids can run around and get lost, but not too lost.

Mr. Easton asked how many square feet the main building will likely be.

Mr. Warren stated that it will probably be about 6,000 square feet.

Mr. McNeil clarified again that tonight's meeting is just to allow the applicant to move from a concept to creating an actual plan. He asked how long Mr. Jambon expects this process to take if the SUP is approved.

Mr. Jambon stated that it can be done in around a year.

Jim Lamb stated that there is no doubt we have some of the best fire protection, police protection, and public works in Bartlett. That comes with a price. To keep it that way, they're going to have to have, and going to want, to improve their status in life. So much of what the City deals with comes down to money. There are two ways for the City to get more money. One of the ways is hated by the Aldermen sitting in the audience tonight: raising property taxes. People cannot stand tax increases. The other way is to increase revenue streams with business. If we don't increase commercial tax revenue streams, money has to come from property tax increases. We need to be thinking forward.

Mr. Lamb added that he has been a Bartlett resident since 1975, back when the population was 2,600. Nobody thought it would veer grow to be over 60,000 and possibly the 10th largest city in Tennessee. We can't be that quaint little town that was used to be decades ago.

Mr. McNeil added that the City did a community survey with the University of Memphis, and the top 3 things respondents said they wanted to see were retail, restaurants, and outdoor entertainment. Based on the survey, exploring these idea is beneficial.

Alderman Young added that when it comes to the empty buildings citizens often refer to, the City does not like them either, but they are not ours. The City does not own those buildings. If someone owns them and can't sell or won't lease them, we can't stop that. Abuelo's was a perfect example. The owner had a number of opportunities to lease the restaurant to other restaurants after it closed, but he wanted so much money for it, those businesses were not willing to go in there. Someone came along and offered to buy it, tore it down, and is now building a car wash there. The City did not do that and we can't control what an individual does with their personal property.

David Hunt made a motion to forward a favorable recommendation for a Special Use Permit to allow a Residential Mixed Use Development on the subject property located at 7157 Highway 70. Curtis Sigler seconded the motion. Roll call vote: All members present voted Yes. Motion carries.

Construction Plan

2. Austin Planned Development Subdivision, Southern Terminus of Christian Lane (David Bray, The Bray Firm)

INTRODUCTION: Director Taylor introduced the application for Mr. David Bray, with The Bray Firm, who is requesting Planning Commission approval of a Construction Plan for the Austin Planned Development. The subject property is located at the southern terminus of Christian Lane from the Elpine Gray Planned Development, and it is within the "RS-15" Single Family Residential Zoning District.

BACKGROUND: On July 10, 2023, the Planning Commission approved a favorable recommendation to the Board of Mayor and Aldermen for the Austin Planned Development. On August 22, 2023, the Board of Mayor and Aldermen approved the Austin Planned Development.

DISCUSSION: The specific request by the applicant is for Planning Commission approval of a Construction Plan for the Austin Planned Development. The applicant is proposing the subdivision of 9.82 acres of land into an 18 lot residential planned development with a 1.16-acre common open space lot. The lot sizes will range from 15,030-square feet to 26,566-square feet. The proposed development will blend in with the adjacent residential neighbors by meeting and exceeding the underlying "RS-15" zoning restrictions for lot sizes. Stormwater detention will be handled by a detention basin on the Common Open Space Lot. The proposal provides a temporary turnaround for the future alignment of Shadow Brook Drive to connect to Shadowlawn Place Subdivision should the two large residential lots located between the two subdivisions opt to subdivide their property. Access to the subdivision will be provided by the extension of the Christian Lane street stub from the Elpine Gray Planned Development. The constructions plans for the subdivision include the following: tree protection plans, erosion control plans, grading and drainage plans, and sanitary sewer plans.

Recommendation: Approval with conditions.

Engineering Conditions:

General:

1. A full subdivision contract will be required.
2. All new utilities shall be underground.

3. Handicap ramps are required at street corners.
4. An existing survey/conditions page should be added.
5. This project will not be approved until the required easements from adjacent properties have been obtained and recorded.
6. Easements should be included on all sheets.
7. Plan and profile sheet for off street drainage will be required.
8. Sidewalks for common open space need to be installed before release to buildings.
9. Address all markups.

Plat:

10. A sidewalk chart needs to be added, showing sidewalk width, side and location.
11. Sewer easements needs to be added.
12. Drainage easements need to be added.
13. A temporary easement needs to be added for temporary turn around.
14. A temporary slope easement needs to be added for Lots 11 & 12 for future construction.
15. Show where the permanent SD survey monuments are to be installed.
16. Show COS to be owned and maintained by the HOA.

Planning Comments:

1. The recorded plat for Alpine Gray Planned Development identifies both Christian Lane and Romela Drive as street name options for the street stub to be extended into the proposed residential planned development. However, the street sign installed on site identifies as Christian Lane. Therefore, the plat will be re-recorded to remove any reference to Romela Drive.

Planning Conditions:

1. A Planned Development usually provides common amenities. Staff recommends adding a walking trail around the detention basin on the common open space lot.
2. The applicant shall identify the location for the Post Office required cluster box to the final plat.
3. The applicant shall revise the street names to Christian Lane and Shadow Brook Drive.
4. The applicant shall add a note on the plat that directs future action on removing the temporary turnaround should the adjacent large residential lots subdivide and extend Shadow Brook Drive to Shadowlawn Place Subdivision.
5. The applicant shall provide a tree protection data table that complies with the Tree and Landscape section of the Zoning Ordinance.

6. The resident of Lot 60 of Elpine Gray Planned Development (7603 Romero Drive) has identified the 15", 12", 10", and 8" DBH trees adjacent to the property line as hazardous trees, and the resident would like the developer to remove these hazardous trees.
7. A note shall be added to the plat stating that Austin Planned Development requires a homeowner's association to be formed to maintain all common amenities and features.
8. The applicant must attach the homeowner's association bylaws instrument number and the covenants and restrictions instrument number to the final plat.
9. The applicant shall make application for Final Plans prior to legally recording this subdivision.
10. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Chairman Conroy called for questions from the PC for Director Taylor.

Vice Chairman Sigler asked if some of the lot sizes are smaller than what is typical of the zoning district.

Director Taylor stated that these lots are the same size as what is required by the zoning district. What makes this a planned development is the lot width. The lot widths do not meet the RS-15 requirement of the Bartlett Zoning Ordinance. RS-15 requires a 100-foot lot width. These lots will be around 90 feet wide. The side yard setbacks are also smaller than what is required.

Vice Chairman Sigler asked if the application will have to go to the Board of Zoning Appeals.

Director Taylor stated that it will not, because this is a planned development. The Planned Development application approval process allows for lot characteristics to differ from the bulk regulations of the underlying zoning.

David Bray, The Bray Firm, 2950 Stage Plaza North, stepped forward.

Mr. Bray stated that he is in agreement with conditions and comments in the staff report.

Jack Young made a motion to approve the Construction Plan for the Austin Planned development with conditions and comments listed in the staff report. Josh McNeil seconded the motion. Roll call vote: All members present voted Yes. Motion carries.

Final Plan

3. Austin Planned Development Subdivision, Southern Terminus of Christian Lane (David Bray, The Bray Firm)

INTRODUCTION: Director Taylor introduced the application for Mr. David Bray, with The Bray Firm, who is requesting Planning Final approval of a Final Plan for the Austin Planned Development. The subject property is located at the southern terminus of Christian Lane from the Elpine Gray Planned Development, and it is within the "RS-15" Single Family Residential Zoning District.

BACKGROUND: On July 10, 2023, the Planning Commission approved a favorable recommendation to the Board of Mayor and Aldermen for the Austin Planning Development. On August 22, 2023, the Board of Mayor and Aldermen approved the Austin Planned Development.

DISCUSSION: The specific request by the applicant is for Planning Commission approval of a Final Plan for the Austin Planned Development. The applicant is proposing the subdivision of 9.82 acres of land into an 18 lot residential planned development with a 1.16-acre common open space lot. The lot sizes will range from 15,030-square feet to 26,566-square feet. The proposed development will blend in with the adjacent residential neighbors by meeting and exceeding the underlying "RS-15" zoning restrictions for lot sizes. Stormwater detention will be handled by a detention basin on the Common Open Space Lot. Access will be provided by the extension of the Christian Lane street stub from the Elpine Gray Planned Development.

Recommendation: Approval with conditions.

Engineering Conditions:

General:

1. A full subdivision contract will be required.
2. All new utilities shall be underground.
3. Handicap ramps are required at street corners.
4. An existing survey/conditions page should be added.
5. This project will not be approved until the required easements from adjacent properties have been obtained and recorded.
6. Easements should be included on all sheets.
7. Plan and profile sheet for off street drainage will be required.
8. Sidewalks for common open space need to be installed before release to buildings.
9. Address all markups.

Plat:

10. A sidewalk chart needs to be added, showing sidewalk width, side and location.
11. Sewer easements needs to be added.
12. Drainage easements need to be added.
13. A temporary easement needs to be added for temporary turn around.
14. A temporary slope easement needs to be added for Lots 11 & 12 for future construction.
15. Show where the permanent SD survey monuments are to be installed.
16. Show COS to be owned and maintained by the HOA.

Planning Comments:

1. The recorded plat for Alpine Gray Planned Development identifies both Christian Lane and Romela Drive as street name options for the street stub to be extended into the proposed residential planned development. However, the street sign installed on site identifies as Christian Lane. Therefore, the plat will be re-recorded to remove any reference to Romela Drive.

Planning Conditions:

1. A Planned Development usually provides common amenities. Staff recommends adding a walking trail around the detention basin on the common open space lot.
2. The applicant shall identify the location for the Post Office required cluster box to the final plat.
3. The applicant shall revise the street names to Christian Lane and Shadow Brook Drive.
4. The applicant shall add a note on the plat that directs future action on removing the temporary turnaround should the adjacent large residential lots subdivide and extend Shadow Brook Drive to Shadowlawn Place Subdivision.
5. The applicant shall provide a tree protection data table that complies with the Tree and Landscape section of the Zoning Ordinance.
6. The resident of Lot 60 of Alpine Gray Planned Development (7603 Romero Drive) has identified the 15", 12", 10", and 8" DBH trees adjacent to the property line as hazardous trees, and the resident would like the developer to remove these hazardous trees.
7. A note shall be added to the plat stating that Austin Planned Development requires a homeowner's association to be formed to maintain all common amenities and features.
8. The applicant must attach the homeowner's association bylaws instrument number and the covenants and restrictions instrument number to the final plat.
9. The applicant shall apply to the Design Review Commission for the approval of cluster box, landscaping, walking path and any other common features.

10. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Director Taylor stated that staff would like to add the following conditions: A vicinity map shall be added to the corner of the plat; the location of the mail kiosk required by the United States Postal Service shall be added to the plat; and Planning Condition #1 will say, "A Planned Development usually provides common amenities. Staff recommends adding a walking trail or gazebo around the detention basin on the common open space lot."

David Bray, The Bray Firm, 2950 Stage Plaza North, stepped forward.

Mr. Bray stated that he is in agreement with conditions and comments in the staff report.

Curtis Sigler made a motion to approve the Construction Plan for the Austin Planned Development with conditions of staff and the following additional conditions: A vicinity map shall be added to the corner of the plat; the location of the mail kiosk required by the United States Postal Service shall be added to the plat; and Planning Condition #1 will say, "A Planned Development usually provides common amenities. Staff recommends adding a walking trail or gazebo around the detention basin on the common open space lot." Greg Easton seconded the motion. Roll call vote: All members present voted Yes. Motion carries.

Ordinance Amendment

4. Ordinance 24-09, An Ordinance to Amend the Subdivision Regulations

Director Taylor read the introduction, background, and discussion regarding the proposed Ordinance amendment.

INTRODUCTION: This is a city initiated request to amend Article I, Section 2 Definitions of the Bartlett Zoning Ordinance; and Article IV, Section 12(A) of the Bartlett Subdivision Ordinance, Title 14, Chapter I, Appendix B, of the Codified Ordinances of the City of Bartlett, Tennessee.

BACKGROUND: The City of Bartlett has been utilizing March 6, 1956 as the legal lot of record date. However, Shelby County and other municipalities have revised their legal lot of record dates to coincide with their major revisions approved to their respective Subdivision and Zoning Ordinances. The Planning Commission has reviewed several applications over the past years for minor two lot residential subdivisions as a standard process to legalize buildable lots, and

the City of Bartlett desires to amend the Zoning Ordinance and the Subdivision Ordinance to improve the review process to generate legal lots of record.

DISCUSSION: The proposed Ordinance will amend the Bartlett Zoning Ordinance and Subdivision Ordinance with the following changes: 1) to revise the legal lot of record date to June 1, 1981, 2) to honor the Shelby County revised legal lot of record date of March 1, 1989 for those parcels annexed between June 1, 1981 through December 31, 2012, and 3) to revise the minor two lot (2 lot) subdivision provision for parcels not covered by revision items 1) and 2) shown above.

The amendments are listed below:

Article 1, Section 2 under the heading “*Definitions of Terms Used in This Ordinance*” in the Bartlett Zoning Ordinance the definition of “Lot of Record” shall be replaced by a new definition:

“A lot or parcel of land in a legal subdivision recorded in the Shelby County Register's Office; or a parcel of land described by metes and bounds less than 4-acres recorded by deed in the Shelby County Register's Office on or prior to June 1, 1981 that complies with the City of Bartlett subdivision exemption. Lots recorded in Shelby County annexed into the City of Bartlett through December 31, 2012 may also qualify for the exemption based on the Shelby County exemption date of March 1, 1989, as long as the status if the lot(s) or parcel(s) has not changed since the Shelby County exemption date, and all other City of Bartlett subdivision requirements are satisfied. (Ord. #02-18-Ord #24-09)”

Article I. Purpose, Authority, Jurisdiction and Policy, Section 3§A paragraph shall be replaced in the Bartlett Subdivision Ordinance by:

“Residentially zoned lot(s) or parcel(s) of land may be exempt from Bartlett subdivision regulations when the land to be subdivided is less than four (4) acres and within the Bartlett city limits on or prior to June 1, 1981. Residentially zoned parcels of land that were annexed into the City of Bartlett through December 31, 2012, may also qualify for the exemption based on the Shelby County March 1, 1989 exemption date. The parcel(s) of land must be the “original parcel of record” described in a recorded deed or plat with the same size and lot configuration as originally recorded on or prior to June 1, 1981, or in the case of annexation through December 31, 2012, the Shelby County exemption date of March 1, 1989 will be applied as long as the status if the lots or parcels have not changed since the Shelby County exemption date, and all other City of Bartlett subdivision requirements are satisfied. The recorded deed or plat must be presented at the time of the building application. The lot(s) or parcel(s) of land must also comply with the current bulk regulations of the Bartlett Zoning Ordinance.

Parcels of land that do not qualify for the exemption dates, and need to comply with the Bartlett subdivision regulations may qualify for the minor two lot (2 lot) subdivision provision if the lot(s) or parcel(s) is zoned single family residential. Deferment or waivers from minor improvements such as dedications, road width extensions, sidewalk curb and gutter, and all others will require Planning Commission approval of the minor subdivision with the deferred or waived improvements."

Article II. Procedures for Subdivision Approval, Section 1, General, paragraph shall be replaced in the Bartlett Subdivision Ordinance by:

"The procedures for review and approval of a subdivision and its documentation by recorded plat consists of three (3) separate steps, except for parcels that qualify for the Minor Two Lot Subdivision process. The initial formal step is the preparation of a master plan of a proposed subdivision for submission to the planning commission. The second step is the preparation of a construction plan of the proposed subdivision or sections thereof for review by the city engineer and other agencies as required followed by submission to the planning commission for approval. The third and final step is the preparation of a final subdivision plat with all required certificates for submission to and approval by the planning commission. This final plat becomes the instrument to be recorded in the office of the Shelby County Register when final approval has been attested to by signature of the secretary of the planning commission.

Parcels that qualify for the Minor Two Lot subdivision process will only need to apply for the third and Final Plan step. However, Planning and Engineering staff may require supplemental plans to go with the application. The Final Plan may be administratively approved at the discretion of the Planning and Engineering Staff."

Article IV. Prerequisites to Final Subdivision Approval, Section 8§H4 Sidewalks, Curbs, Gutters, and Handicap Ramps, under the heading *Deferment or Waiver of Installation* in the Bartlett Subdivision Ordinance, section shall be replace by:

"Parcels of land, less than four acres in size, created by deed between June 1, 1981 and January 1, 2009 may file an application for a minor two lot (2 lot) subdivision to be eligible for the issuance of no more than two residential building permits.

Further:

a. The property must be in a zoning district permitting residential use.

b. The resultant lots are in conformance to all requirements of the zoning ordinance and any other applicable regulations. Determination of minimum lot size is exclusive of any dedication requirement.

c. The lots shall have direct access to an existing public street, with no new streets proposed.

d. The Planning Commission may waive street improvements if all required dedication and easements are granted as well as any improvements necessary for safety considerations.

e. Any extension of utilities to the property are the responsibility of the applicant.

f. Standard subdivision drawings are required.

g. The minor two lot (2 lot) subdivision may be administratively approved by Planning and Engineering staff at their discretion. Required variances from the Zoning Ordinance must be approved by the Board of Zoning Appeals prior to Final Plan approval.

f. Standard subdivision contract is required. The minor two lot (2 lot) subdivision may be submitted as a final plat application provided that the plat complies with all the requirements for final plat submission. (As amended by Ord. #02-18, Dec. 2002, and Ord. #08-13, Jan. 2009)"

Recommendation: Favorable recommendation to the Board of Mayor and Aldermen for approval.

Chairman Conroy asked if this will eliminate 2-lot minor subdivisions.

Director Taylor stated that it will not eliminate them, but it will allow staff to approve them administratively, so they do not have to come before the Planning Commission. This does not mean that they won't be brought before the PC. If there is an application that staff feels they cannot resolve with the applicant, it will be brought before the PC.

Director Taylor added that we have been using Shelby County's legal lot status date of March 6, 1956. Several years ago, Shelby County reset their date to March 1, 1989. The City Attorney at Shelby County told Director Taylor that this date was based on the last time they made major updates to their subdivision ordinance. Bartlett had major updates to their subdivision ordinance on June 1, 1981, so we are resetting our legal lot date to June 1, 1981. Bartlett did a major annexation on December 31, 2012, so lots that were annexed into the City from the County at this time will be subject to the County's legal lot date of March 1, 1989.

Jack Young made a motion to forward a favorable recommendation of Ordinance 24-09, an ordinance to amend Article I, Section 2 Definitions of the Bartlett Zoning Ordinance; and Article IV, Section 12(A) of the Bartlett Subdivision Ordinance, Title 14, Chapter I, Appendix B, of the Codified Ordinances of the City of Bartlett, Tennessee, to the Board of Mayor and Aldermen. Josh McNeil seconded the motion. Roll call vote: All members present voted Yes. Motion carries.

Open Discussion

Chairman Conroy called for any discussion items. Hearing none.

Adjourned at 7:34 p.m.



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

ORDINANCE (ID # 3631)

Meeting: 09/10/24 06:00 PM

Department: Planning and Economic Development

Category: Amendment

Prepared By: Melissa Hale

Initiator: Kim Taylor

Sponsors:

DOC ID: 3631

Ordinance 24-09, an ordinance to amend Article 1, Section 2 Definitions of the Bartlett Zoning Ordinance; and Article IV, Section 12(a) of the Bartlett Subdivision Ordinance, Title 14, Chapter 1, Appendix B, of the Codified Ordinances of the City of Bartlett, Tennessee.

WHEREAS, the City of Bartlett Board of Mayor and Aldermen understands the need to generate buildable legal lots of record for residentially zoned vacant land,

WHEREAS, the City of Bartlett Planning Commission has reviewed several applications over the past years for minor two lot residential subdivisions as a standard process to legalize buildable lots,

WHEREAS, in an effort to support residential development and growth within the City,

WHEREAS, the City of Bartlett Board of Mayor and Aldermen desires to amend the Zoning Ordinance and the Subdivision Ordinance to improve the review process to generate legal lots of record,

WHEREAS, the City of Bartlett Planning Commission reviewed the proposed amendment during its regular meeting held on August 5, 2024, 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 September 24, 2024, pursuant to notice thereof published in a newspaper of general circulation on September 5, 2024.

Now, Therefore, Be it Ordained by the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, that:

Article I, Section 2 under the heading “*Definitions Of Terms Used In This Ordinance*” in the Bartlett Zoning Ordinance the definition of “Lot of Record” shall be replaced by a new definition:

“A lot or parcel of land in a legal subdivision recorded in the Shelby County Register's Office; or a parcel of land described by metes and bounds less than 4-acres recorded by deed in the Shelby County Register's Office on or prior to June 1, 1981 that complies with the City of Bartlett subdivision exemption. Lots recorded in Shelby County annexed into the City of Bartlett through December 31, 2012 may also qualify for the exemption based on the Shelby County exemption date of March 1, 1989, as long as the status if the lot(s) or parcel(s) has not changed since the Shelby County exemption date, and all other City of Bartlett subdivision requirements are satisfied. (Ord. #02-18-Ord #24-09)”

Article I. Purpose, Authority, Jurisdiction and Policy, Section 3§A paragraph shall be replaced in the Bartlett Subdivision Ordinance by:

“Residentially zoned lot(s) or parcel(s) of land may be exempt from Bartlett subdivision regulations when the land to be subdivided is less than four (4) acres and within the Bartlett city limits on or prior to June 1, 1981. Residentially zoned parcels of land that were annexed into the City of Bartlett through December 31, 2012, may also qualify for the exemption based on the Shelby County March 1, 1989 exemption date. The parcel(s) of land must be the "original parcel of record" described in a recorded deed or plat with the same size and lot configuration as originally recorded on or prior to June 1, 1981, or in the case of annexation through December 31, 2012, the Shelby County exemption date of March 1, 1989 will be applied as long as the status if the lots or parcels have not changed since the Shelby County exemption date, and all other City of Bartlett subdivision requirements are satisfied. The recorded deed or plat must be presented at the time of the building application. The lot(s) or parcel(s) of land must also comply with the current bulk regulations of the Bartlett Zoning Ordinance.

Parcels of land that do not qualify for the exemption dates, and need to comply with the Bartlett subdivision regulations may qualify for the minor two lot (2 lot) subdivision provision if the lot(s) or parcel(s) is zoned single family residential. Deferment or waivers from minor improvements such as dedications, road width extensions, sidewalk curb and gutter, and all others will require Planning Commission approval of the minor subdivision with the deferred or waived improvements.”

Article II. Procedures for Subdivision Approval, Section I, General, paragraph shall be replaced in the Bartlett Subdivision Ordinance by:

“The procedures for review and approval of a subdivision and its documentation by recorded plat consists of three (3) separate steps, except for parcels that qualify for the Minor Two Lot Subdivision process. The initial formal step is the preparation of a master plan of a proposed subdivision for submission to the planning commission. The second step is the preparation of a construction plan of the proposed subdivision or sections thereof for review by the city engineer and other agencies as required followed by submission to the planning commission for approval. The third and final step is the preparation of a final subdivision plat with all required certificates for submission to and approval by the planning commission. This final plat becomes the instrument to be recorded in the office of the Shelby County Register when final approval has been attested to by signature of the secretary of the planning commission.

Parcels that qualify for the Minor Two Lot subdivision process will only need to apply for the third and Final Plan step. However, Planning and Engineering staff may require supplemental plans to go with the application. The Final Plan may be administratively approved at the discretion of the Planning and Engineering Staff.”

Article IV. Prerequisites to Final Subdivision Approval, Section 8§H4 Sidewalks, Curbs, Gutters, and

Handicap Ramps, under the heading *Deferment or Waiver of Installation* in the Bartlett Subdivision Ordinance, section shall be replace by:

“Parcels of land, less than four acres in size, created by deed between June 1, 1981 and January 1, 2009 may file an application for a minor two lot (2 lot) subdivision to be eligible for the issuance of no more than two residential building permits.

Further:

- a. The property must be in a zoning district permitting residential use.
- b. The resultant lots are in conformance to all requirements of the zoning ordinance and any other applicable regulations. Determination of minimum lot size is exclusive of any dedication requirement.
- c. The lots shall have direct access to an existing public street, with no new streets proposed.
- d. The Planning Commission may waive street improvements if all required dedication and easements are granted as well as any improvements necessary for safety considerations.
- e. Any extension of utilities to the property are the responsibility of the applicant.
- f. Standard subdivision drawings are required.
- g. The minor two lot (2 lot) subdivision may be administratively approved by Planning and Engineering staff at their discretion. Required variances from the Zoning Ordinance must be approved by the Board of Zoning Appeals prior to Final Plan approval.
- f. Standard subdivision contract is required. The minor two lot (2 lot) subdivision may be submitted as a final plat application provided that the plat complies with all the requirements for final plat submission. (As amended by Ord. #02-18, Dec. 2002, and Ord. #08-13, Jan. 2009)”

EFFECTIVE DATE-This Ordinance shall be effective from and after its final passage, the public welfare requiring it.

First Reading: August 27, 2024

Second Reading: September 10, 2024

Third Reading: September 24, 2024

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

David Parsons, Mayor

Attest: _____
Penny Medlock, City Clerk

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/24 06:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Laura Jenkins
Department Head: Trey Arthur

Big Jim's Christmas Trees and Pumpkins.

New 2024

7.1.a



APPLICATION FOR SPECIAL EVENT
OFFICE OF
BARTLETT CODE ENFORCEMENT
6382 STAGE ROAD
BARTLETT TN 38134
901-385-6425

Address 6777 Stage Rd Zip Code 38134
Dates of the Event 9-21-24 / 12/21/24 Hours of the Event 9-9
Type of Event (Fund Raiser, Seasonal, Tent Sale, Sidewalk Sale, Public Attraction) Seasonal sales Pumpkins / Christmas Trees
Property Owner Mark Boyce
Special Event Permit Applicant Jimmy Wade Address of Applicant 3607 Monetta Blvd
Phone Number 901 568-0505 Fax Number _____

Check all items that apply:

For information call (901) 385-6425.

- ____ State of TN Business License, Shelby County Business License, Bartlett Business License (For Type 2 Events)
☒ Letter of Permission
☒ Insurance
☒ Tents (Fire Retardant letter included)
☒ Special Event Checklist
☒ Map
☒ Sign or Banner

____ \$60.00 Special Event Fee
____ \$5.00 Permit Issuing Fee
____ \$7.00 Software Fee
____ \$ 3% Credit Card Fee
____ \$ Total Permit Fee


Responsible Person Signature and Printed Name

7/12/2024
Date

****Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen.****

APPROVAL

This application is not a permit and grants no rights or privileges.

Special Event Checklist

Event: Sale of Christmas Tree / PKs.
 Location: 6777 Stage Rd. 3834
 Dates: 9/21/2024 — 12/21/2024
 Type of special event: (Check one.)

- | | |
|--|--|
| <p>☐ <i>Type 1: Noncommercial Events.</i> Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.</p> <p>☒ <i>Type 2: Special Seasonal Events.</i> Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.</p> | <p>☐ <i>Type 3: Commercial Events.</i> Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.</p> <p>☐ <i>Type 4: Public Attractions.</i> Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. Requires approval by the Board of Mayor and Aldermen.</p> |
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Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

- | | |
|--|--|
| <p>☐ <i>Public property.</i> Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.</p> <p>☐ <i>Public parks.</i> Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)</p> <p>☐ <i>City sponsorship.</i> Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.</p> <p>☒ <i>Special use permit or site plan.</i> Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.</p> <p>☐ <i>Yard sales.</i> Yard sales regulated under Article VI, Section 1 of the Zoning Ordinance.</p> | <p>☐ <i>Auctions/estate sales.</i> Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.</p> <p>☐ <i>Business deliveries.</i> Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.</p> <p>☐ <i>Certain solicitations.</i> Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.</p> <p>☐ <i>First Amendment activity.</i> The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.</p> <p>☐ <i>Political campaigning.</i> Campaigning for public office.</p> |
|--|--|

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1		✓		<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.	
2		✓		For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.	
3		✓		Type 3 outdoor sales must be conducted by an existing permanent business adjacent to and on the property of the location of the permanent business. The outdoor sales are to be conducted as an adjunct to the existing permanent business.	
4		✓		<i>Land-use compatibility.</i> The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses.	
5		✓		The special event shall not impair the normal, safe and effective operation of a permanent use on the same site.	
6		✓		The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7		✓		<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8		✓		Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

	Sub- mitted ✓ or X	OK	N/A		Comments										
9		✓		<i>Hours of operation and duration.</i> The duration and hours of operation of a special event shall be consistent with the surrounding land uses. The total duration of a special event shall not exceed the duration set forth in Table VI.27-1; however, the duration of the special event may be modified by conditions attached to the issuance of the special event permit, as set forth in Section 27.F. Table V.27-1: Special Event Maximum Duration <table><tr><th>Type of Special Event</th><th>Duration</th></tr><tr><td>Type 1: Noncommercial</td><td>30 days</td></tr><tr><td>Type 2: Special Seasonal</td><td>90 days</td></tr><tr><td>Type 3: Commercial</td><td>14 days</td></tr><tr><td>Type 4: Public Attractions</td><td>14 days</td></tr></table>	Type of Special Event	Duration	Type 1: Noncommercial	30 days	Type 2: Special Seasonal	90 days	Type 3: Commercial	14 days	Type 4: Public Attractions	14 days	
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11		✓		<i>Frequency.</i> Except as otherwise provided herein, the maximum frequency of a special event on the same property shall be two (2) times per calendar year, excluding a shopping center. A shopping center shall be allowed to hold four (4) centralized events not connected to any individual business located within the center in addition to those events held by the individual businesses located within the shopping center.											

	Sub- mitted ✓ or X	OK	N/A		Comments
12		✓		Type 3 outdoor sales at a specific location may be permitted only as follows: a. Outdoor sales may be permitted once in each calendar month if the duration is not more than three (3) days. b. Outdoor sales may be permitted once in each calendar quarter if the duration is more than three (3) days but not more than ten (10) days. c. The minimum time between consecutive outdoor sales periods for the same business on the same property shall be fourteen (14) days from the beginning of one period to the beginning of the next period. Permitted durations are not cumulative in any time period, that is, the time periods in both "a" and "b" may not be added together.	
13		✓		<i>Traffic circulation.</i> The special event shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.	
14			✓	<i>Street closings.</i> The special event permit recipients shall be responsible for securing, installing and immediate removal upon cessation all barricades and signs when street closings are approved. Large Class III barricades shall be sandbagged to prevent blowing over.	

	Sub- mitted ✓ or X	OK	N/A		Comments
15		✓		<i>Fire safety.</i> The fire department shall be consulted for the following requirements and inspection, as necessary. a. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event. b. All fire hydrants in the area of the special event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event. c. No open fires shall be permitted unless advance approval is obtained from the Fire Department. d. Fire extinguishers shall be available as determined by the Fire Chief. e. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code. f. Tents shall comply with the Fire Code and applicable building codes. g. Exit signs and proper exiting aisles shall be provided in temporary special event structures.	
16		✓		<i>Off-street parking.</i> The event shall not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt.	
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18		✓		<i>Nuisances.</i> The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.	

	Sub- mitted ✓ or X	OK	N/A		Comments
19		✓		<i>Area of parking lot dedicated to outdoor special events.</i> a. No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure. b. No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom shall be fixed upon cessation of the event and removal of the devices.	
20		✓		<i>City services.</i> If the applicant requests the City to provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the City for the cost of the services. The City may require the applicant to submit a security deposit, in an amount determined by the Chief Administrative Officer and in the form approved by the City Attorney, prior to the event to ensure that the applicant complies with this provision.	
21		✓		<i>Insurance coverage.</i> Special event permit recipients must show proof of liability insurance at time of application. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the Chief Administrative Officer based on the nature of the special event.	

Conditions

Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
22	✓		Limitations on signs.	
23	✓		Temporary arrangements for parking and traffic circulation.	
24	✓		Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25	✓		Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26	✓		The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27	✓		The provision of traffic control or security personnel to ensure the public safety and convenience.	
28	✓		Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least **ten (10) days** prior to the requested start date of any special event.

The application shall set forth and contain the following information:

	Sub- mitted ✓ or X	OK	N/A		Comments
29	✓			Name and address of the applicant.	
30	✓			Names and address of the owner of the premises on which the proposed event is to be held.	
31	✓			Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32	✓			Description of the site on which the proposed event is to be held.	
33	✓			Date of the proposed event.	
34	✓			A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35	✓			A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36		✓		Location and number of proposed temporary public toilets.	
37		✓		Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	
38		✓		Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

Special event permit - authorization by Permitting Official

Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

	OK ✓ or X	N/A		Comments
39	✓		A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40	✓		The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41	✓		An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42	✓		The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43	✓		b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44	✓		c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45	✓		d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	

Y 31/16/2004 824-2-2004-2004-2004

CONFIDENTIAL

His is to certify that
C. S. Yerxa
77 RP Black

APR 27 PM 3:26
OF MATERIAL
GUTHRIE INDUSTRIES

Ship 12

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UNIT
PAG 211 REF PAG 22

Analysis and physical properties of *Spodopriol* 11/2/95

107 N. 25-507

ICR 95-607
This Report on file at Paxton Records, 66 Winton, California subject to examination by you
DAN C. HARRIS

550-661-1111
JOHN PETERSON / PETERSON CAT. PRINTING CO.

7/23/50

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2019年12月



WADEJAM-01

7.1.a

DATE (MM/DD/YYYY)

8/24/2023

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
McDonald Insurance LLC
8099 Stage Hills Blvd Ste 105
Memphis, TN 38133

CONTACT NAME:
PHONE (A/C, No, Ext): (901) 385-1234 FAX (A/C, No): (901) 388-9526

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Nationwide Assurance Company 10723

INSURER B: NATIONWIDE MUTUAL INSURANCE COMPANY 23787

INSURER C: Travelers Property and Casualty Company of America 25674

INSURER D:

INSURER E:

INSURER F:

INSURED
BIG JIM'S CHRISTMAS TREES
698 Royer Ct
Atlanta, GA 30342-1459

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER: General Aggregate	X	ACPCG015625249935	9/2/2023	9/2/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY ☐					
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$		ACPCU015625249935	9/2/2023	9/2/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 PER STATUTE ☐ OTH-ER ☐
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A	6JUB-5N17320-3-22	9/30/2022	9/30/2023	E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Bartlett listed as additional insured under the blanket form CG2001

CERTIFICATE HOLDER

City of Bartlett
6382 Stage Road
Bartlett, TN 38134

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Attachment: 6777 STAGE ROAD-SPECIAL EVENT (3642 : Big Jim's Christmas Trees and Pumpkins)

Boyd & Sons Real Estate & Investment, Inc.
 8487 Pleasant Ridge Road
 Arlington, TN 38002
 829-3289

Bartlett Code Enforcement

With Your Approval, I give Jimmy Wade permission to sell Pumpkins & Christmas Trees at the Stage Rd Plaza Shopping Center at 6743 Stage Rd. Bartlett, Tenn. 38134.

I appreciate your corporation. Thank You.

Sincerely,

Mark D Boyd
 Mark D Boyd

Mark D Boyd

Mark D Boyd 8-14-17

Mark D Boyd 7-2-2020

Mark D Boyd 8-13-2021

Mark D Boyd 8-10-2022

Mark D Boyd 8-7-2023

Mark D Boyd 8-26-2024

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/24 06:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Laura Jenkins
Department Head: Trey Arthur

Special event permit for St. Ann Multicultural Festival.

**Bartlett**

T E N N E S S E E

HOMETOWN PROUD

Special Event Application

Date: 08/30/2024

Applicant

Applicant Name: Kelly Pettit/ St. Ann Catholic Church

Phone:
Email:901-373-6011
kelly.pettit@stannbartlett.orgAddress: 6529 Stage Road
City, State, Zip: Bartlett, TN 38134**Special Event**Site Address: 6529 Stage Road
City, State, Zip: Bartlett, TN 38134
Event Start Date: 2024-10-05
Event End Date: 2024-10-05Hours of the Event: 10:00am- 4:00pm
Type of Event: Fund Raiser
Property Owner: Catholic Diocese of Memphis/
Rev. Jacek Kowal, pastor

Project Description: Multicultural Festival

Check all items that apply☐ State of TN Business License, Shelby County Business License, Bartlett Business License (For Type 2 Events)☒ Letter of Permission☒ Insurance☐ Tents (Fire Retardant letter included)☒ Special Event Checklist☒ Map☒ Sign or Banner

**** Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen. ****

This application is not a permit and grants no rights or privileges.

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

Kelly Pettit
Name

08/30/2024
Date

Attachment: MULTICULTURAL FESTIVAL (3644 : St. Ann Multicultural Festival)

Special Event Checklist

Event: Multicultural Festival
 Location: 6529 Stage Road 38134
 Dates: October 5, 2024

Type of special event: (Check one.)

- | | |
|---|--|
| <p>☐ <i>Type 1: Noncommercial Events.</i> Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.</p> <p>☐ <i>Type 2: Special Seasonal Events.</i> Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.</p> | <p>☒ <i>Type 3: Commercial Events.</i> Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.</p> <p>☒ <i>Type 4: Public Attractions.</i> Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. Requires approval by the Board of Mayor and Aldermen.</p> |
|---|--|

Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

- | | |
|---|--|
| <p>☐ <i>Public property.</i> Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.</p> <p>☐ <i>Public parks.</i> Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)</p> <p>☐ <i>City sponsorship.</i> Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.</p> <p>☐ <i>Special use permit or site plan.</i> Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.</p> <p>☐ <i>Yard sales.</i> Yard sales regulated under Article VI, Section 1 of the Zoning Ordinance.</p> | <p>☐ <i>Auctions/estate sales.</i> Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.</p> <p>☐ <i>Business deliveries.</i> Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.</p> <p>☐ <i>Certain solicitations.</i> Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.</p> <p>☐ <i>First Amendment activity.</i> The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.</p> <p>☐ <i>Political campaigning.</i> Campaigning for public office.</p> |
|---|--|

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1	X			<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.	
2			X	For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.	
3			X	<i>Type 3 outdoor sales</i> must be conducted by an existing permanent business adjacent to and on the property of the location of the permanent business. The outdoor sales are to be conducted as an adjunct to the existing permanent business.	
4	X			<i>Land-use compatibility.</i> The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses.	
5	X			The special event shall not impair the normal, safe and effective operation of a permanent use on the same site.	
6	X			The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7	X			<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8	X			Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

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Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
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23	X		Temporary arrangements for parking and traffic circulation.	
24		X	Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25		X	Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26		X	The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27	X		The provision of traffic control or security personnel to ensure the public safety and convenience.	
28		X	Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

4/25/02

Page 7 of 9

Attachment: MULTICULTURAL FESTIVAL (3644 : St. Ann Multicultural Festival)

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least **ten (10) days** prior to the requested start date of any special event.

The application shall set forth and contain the following information:

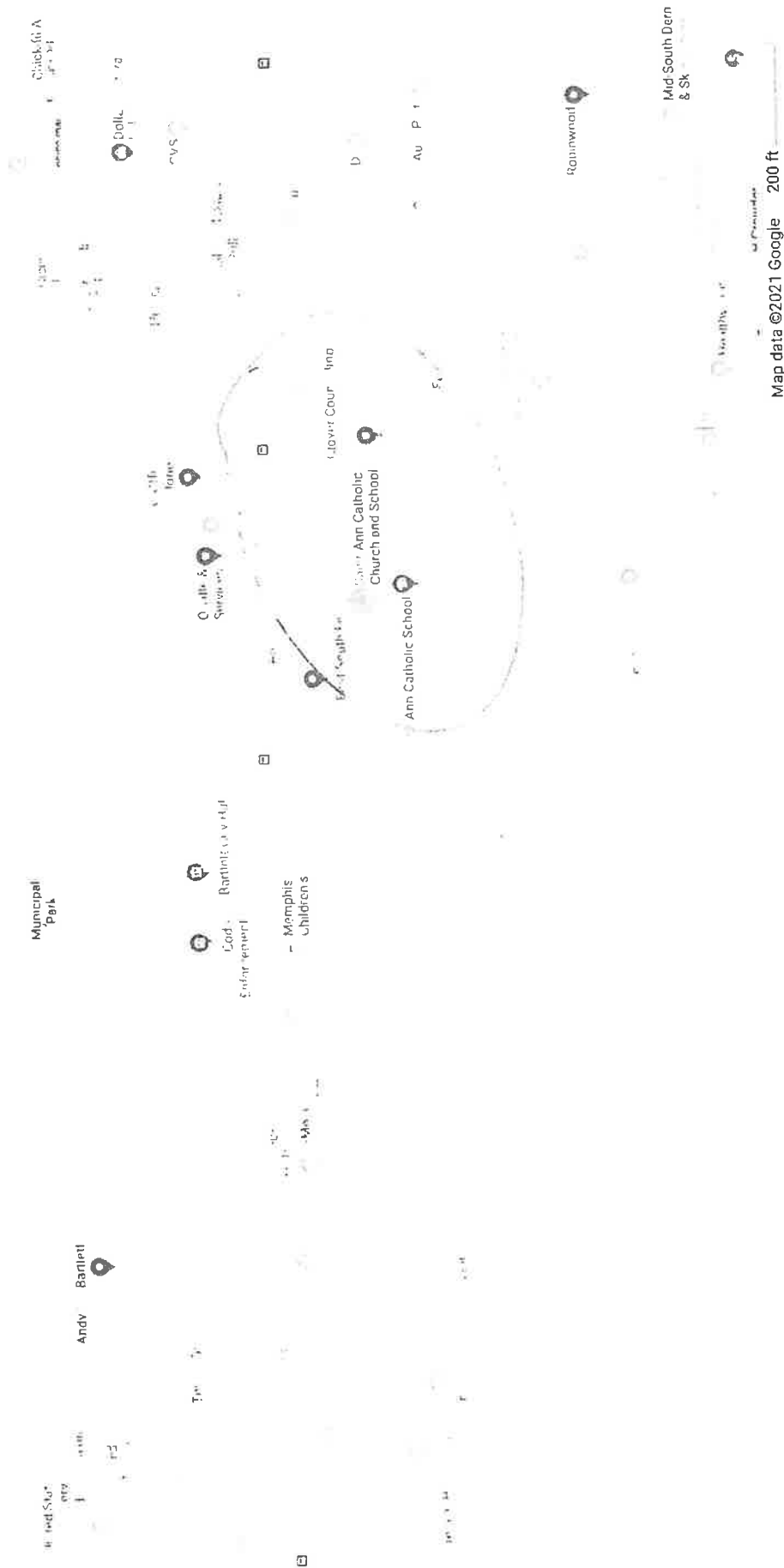
	Sub- mitted ✓ or X	OK	N/A		Comments
29	X			Name and address of the applicant.	
30	X			Names and address of the owner of the premises on which the proposed event is to be held.	
31	X			Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32	X			Description of the site on which the proposed event is to be held.	
33	X			Date of the proposed event.	
34	X			A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35	X			A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36	X			Location and number of proposed temporary public toilets.	
37	X			Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	
38	X			Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

Special event permit - authorization by Permitting Official

Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

	OK ✓ or X	N/A		Comments
39	X		A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40	X		The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41	X		An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42	X		The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43	X		b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44			c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45	X		d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	

Maps





August 30, 2024
Office of Bartlett Code Enforcement
6382 Stage Road
Bartlett, TN 38134

To whom it may concern,

I give permission for St. Ann Multicultural Festival to be held at our campus located at 6529 Stage Road, Bartlett, TN. The festival will be held on Saturday, October 5, 2024 10:00 am- 4:00 pm.

Please feel free to contact me if you have any questions or concerns.

Best Regards,

Rev. Jacek Kowal

Rev. Jacek Kowal, Pastor
St. Ann Catholic Church
6529 Stage Road
Bartlett, TN 38134
901-373-6011
fr.jacek@stannbartlett.org

Attachment: MULTICULTURAL FESTIVAL (3644 : St. Ann Multicultural Festival)



Willie F. Brooks, Jr.
Shelby County Register of Deeds

Owner: CATHOLIC DIOCESE OF MEMPHIS
TN (REV J TERRY STEIB BISHOP)

Parcel Address: 6529 STAGE RD

Parcel ID: B0157 H00002C

2024 Appraisal: \$630,900

Tax District: BARTLETT

Year Built: 1962

Lot Number:

Subdivision: ST ANN CATHOLIC CHURCH FINAL PLAT

Plat BK & PG: 205-61

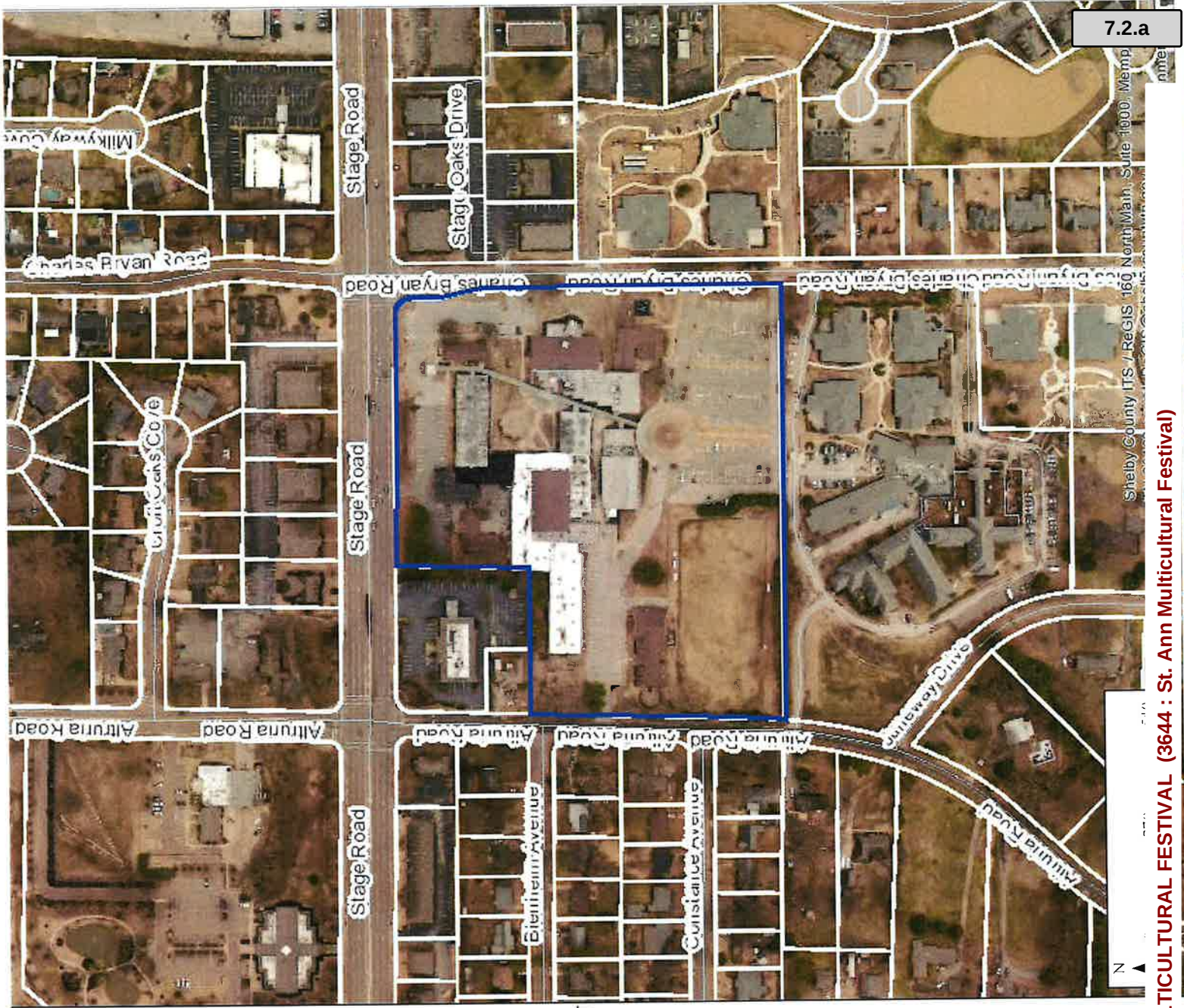
Dimensions: 556.44 X 270 IRR

Total Acres: 13.42

Owner Address: 6259 STAGE RD

MEMPHIS TN

38134 3727



7.2.a



Saint Ann Catholic Church Presents:

ANNUAL

Multicultural Festival

Saturday, October 5 2024 10:00 AM - 4:00 PM
Saint Ann catholic Church (Back Parking Lot)
 6529 Stage Road, Bartlett TN 38134

Live Music

International Foods

Silent Auction

Cash Raffle

Craft Show

Wine Pull

Petting Zoo

Kids Games and More

OUR SPONSOR:



Air Conditioning | Heating | Plumbing | Electric

Certificate of Coverage

Date: 4/24/2024

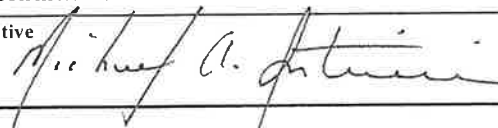
Certificate Holder Bishop of the Diocese of Memphis and His Successors in Office, Diocese of Memphis Catholic Center 5825 Shelby Oaks Drive Memphis, TN 38134	This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.
Covered Location ST ANN CHURCH 6529 STAGE ROAD BARTLETT, TN 38134-0000	Company Affording Coverage THE CATHOLIC MUTUAL RELIEF SOCIETY OF AMERICA 10843 OLD MILL RD OMAHA, NE 68154

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits	
Property				Real & Personal Property	
D. General Liability	8576	7/1/2024	7/1/2025	Each Occurrence	500,000
☒ Occurrence				General Aggregate	
☐ Claims Made				Products-Comp/OP Agg	
				Personal & Adv Injury	
				Fire Damage (Any one fire)	
				Med Exp (Any one person)	
Excess Liability				Each Occurrence	
				Annual Aggregate	
Other				Each Occurrence	
				Claims Made	
				Annual Aggregate	
				Limit/Coverage	

Description of Operations/Locations/Vehicles/Special Items (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)
 St. Ann Church's Multicultural Festival on October 5, 2024.

Holder of Certificate	Cancellation
City of Bartlett c/o Bartlett Code Enforcement 6382 Stage Road Bartlett, TN 38134	Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail <u>30</u> days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.
0277002532	Authorized Representative 

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/24 06:00 PM

Department: Engineering

Category: Contract

Prepared By: Erin Campbell

Department Head: John Horne

Commercial Subdivision Contract for Bah Legacy Square.

LOCATION MAP



COMMERCIAL SUBDIVISION CONTRACT

THIS AGREEMENT, made and executed this _____ day of _____, _____
between the CITY OF BARTLETT, SHELBY COUNTY , TENNESSEE, hereinafter referred to
as the CITY and 7B Memphis, LLC hereinafter referred to as the DEVELOPER.

W I T N E S S E T H :

WHEREAS, the CITY PLANNING COMMISSION has by resolution of
JULY 1, 2024, approved the Commercial Subdivision for BAH LEGACY SQUARE
SUBDIVISION, and established certain conditions for approval of this Commercial Subdivision
Contract by the CITY BOARD OF MAYOR AND ALDERMEN; and

WHEREAS, the CITY and the DEVELOPER by the terms of this contract desire to
specify those detailed costs, division of responsibilities and maintenance and other conditions in
addition to the Subdivision Regulation heretofore approved, according to Law by the CITY
PLANNING COMMISSION, said additional terms not to be considered as a variance from or
modification to regulations, plans or plat, as approved on the date of execution; and

WHEREAS, this Subdivision Contract is entered into by the CITY at the insistence of
the DEVELOPER upon the understanding that the DEVELOPER shall remain fully responsible
for specific compliance with the requirements of the Subdivision Regulations, the Technical
Specifications of the CITY, and the Construction Plans, duly approved by the CITY PLANNING
COMMISSION subject to review and recommendation of the CITY
ENGINEER, and

NOW, THEREFORE, in consideration of the promises and mutual covenants of the
parties herein contained, and other considerations herein recited, it is agreed and understood as
follows:

I

1 OF 13

GENERAL PROVISIONS

1. That the DEVELOPER shall at its expense provide all improvements and installations to be constructed as set forth herein and on the approved Construction Plans, including construction of all off-site improvements and erosion control systems (pertaining to this development).
2. That the DEVELOPER shall pay the expenses of engineering inspection by the CITY ENGINEER, however, that the DEVELOPER shall remain fully responsible for construction to the approved design and quality control, and that the CITY ENGINEER is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement.
3. That the CITY in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY PLANNER design, supervise, nor certify the adequacy, structural integrity, or capacity of improvements or installations within or without the limits of the development; neither is the CITY ENGINEER vested with any authority or responsibility for the design of any improvements or installations within or without the limits of the development; nor is the CITY ENGINEER required to determine the structural integrity, capacity, elevation, location, type or adequacy of any improvements or installations.
4. That in providing technical assistance, planning and review of the proposed grading and erosion control measures the CITY seeks to enforce its minimal governmental standards and does not relieve or accept any of the DEVELOPER'S liability and responsibility for proper design, construction and installation of improvements within or without the limits of the site plan.
5. That subject to the warranty provisions herein, after completion of the improvements, subject to final inspection and written approval of the CITY ENGINEER, the DEVELOPER does thereafter accept responsibility for all the maintenance of all improvements.
6. That the DEVELOPER shall haul all scrap building materials, debris, rubbish, and other de-gradable materials to a permitted landfill, and not bury any such materials within the limits of

said site plan (except if they are permitted to burn by Shelby County Health Department and the Bartlett Fire Department).

7. That if a bond has been executed to secure the value of the improvements to be constructed and installed under this contract and said bond, due to inflation and/or rising costs, is inadequate to secure the cost of said improvements when an extension of the contract period is sought, the DEVELOPER shall provide the additional security to bring the bond amount in line with current cost projections by the CITY ENGINEER and approved by the CITY BOARD OF MAYOR AND ALDERMEN.

8. That the CITY and any of its agencies will not unreasonably withhold approval of time extensions where the DEVELOPER has provided the required notice to the CITY ENGINEER and such additional security as may be deemed necessary.

9. That the DEVELOPER understands that failure to follow this time extension procedure constitutes a breach of contract and places the DEVELOPER in violation of the Subdivision Regulations and subject to a declaration of default.

10. That the DEVELOPER will not transfer the property on which this subdivision is to be located without first providing the CITY ENGINEER with prior notice of when and to whom transfer is to be made. If the transferee intends to develop this site plan in accordance with the approved

Master Plan, the DEVELOPER shall provide the CITY ENGINEER and the CITY ATTORNEY an Assumption Agreement by which the transferee agrees to perform and complete all the requirements of this contract and to provide the surety needed to secure such performance. Said agreement shall be subject to approval of the CITY BOARD OF MAYOR AND ALDERMEN.

11. That the DEVELOPER understands that transfer of said property without providing the notice of transfer and Assumption Agreement as required herein shall be a breach of contract and places the DEVELOPER in violation of the Subdivision Regulations and subject to a declaration of default.

12. That the DEVELOPER shall comply with all applicable Federal, State, and local laws, and it shall be the DEVELOPER'S responsibility to furnish proof of said compliance upon demand.
13. That should the DEVELOPER default in any part of this contract and it becomes necessary to engage an attorney to file necessary legal action to enforce the provisions of this contract or sue for any sums of money due and owing or liability arising incident to this contract, the DEVELOPER shall pay to the CITY reasonable attorney's fees.
14. That the Developer shall furnish, on demand of the CITY ATTORNEY, satisfactory evidence that the DEVELOPER has the lawful right to enter into this contract for the purpose herein contained.

II

FIXED IMPROVEMENTS

1. The construction of all required improvements by the DEVELOPER including but not limited to the sediment ponds, silt fence, rip-rap check dams, erosion control blankets, storm drain systems, sidewalk, driveway apron, landscape screen, and other related items, shall be in accordance with the subdivision regulations and specifications of the CITY OF BARTLETT, which are incorporated by reference herein and said fixed improvements required approval and acceptance by the CITY OF BARTLETT. Said plans shall bear the signature of approval by the CITY ENGINEER before construction may commence. The DEVELOPER will pay the expenses of engineering inspection by the CITY ENGINEER, the DEVELOPER shall remain primarily responsible for construction to approve design and quality control and the CITY ENGINEER is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement.

III

SEDIMENT AND DEBRIS

1. The DEVELOPER will hold the CITY OF BARTLETT and the CITY ENGINEER harmless and defend all claims, judgments and demands of all persons for damage caused by the deposit of more sediment or debris from drainage flowing from said site plan. Further, the DEVELOPER shall bear the expense of erosion and sediment control and dust abatement before, during and after construction during the warranty period.
2. That the DEVELOPER shall provide necessary erosion control in accordance with the CITY Subdivision Regulations and Technical Specifications and TDEC approval. All freshly excavated and embankment areas, not covered with satisfactory vegetation, shall be fertilized, mulched and seeded and/or sprigged and/or sodded as required by the CITY ENGINEER to prevent erosion. In event it is determined by the CITY ENGINEER that the necessary erosion control is not being provided by the DEVELOPER, the CITY ENGINEER shall officially notify the DEVELOPER of the problem. If the DEVELOPER fails to provide satisfactory erosion control within fifteen (15) days after notice, then the CITY shall make all necessary improvements to eliminate the erosion problem, documenting all expenses incurred performing the work. Prior to releasing any bonds or other securities covering said subdivision, all expenses incurred by the CITY shall be paid in full by the DEVELOPER.
3. That the DEVELOPER shall maintain work sites within and without the subdivision in a manner which will prevent increased sedimentation, debris and pollution from drainage flowing from said site. In the event of a stop work order issued by the CITY ENGINEER, the DEVELOPER shall be permitted a reasonable time to continue work required to comply with this Section. Further, the DEVELOPER shall bear the expense of erosion, sediment, and insect vector control before, during and after construction, and until termination of the warranty period. It is noted that the warranty period shall run for an indefinite period until such time as the punch list is

complete, or warranty period ends; whichever is later.

IV

DRAINAGE DESIGN RESPONSIBILITIES

1. That the DEVELOPER shall construct and install all erosion control measures, including swales, ditches, sedimentation ponds and etc. Said erosion control measures system shall be designed such that the amount and rate of water from all sources leaving the subdivision after full building development shall not be significantly different after than before said development unless approved by the CITY ENGINEER upon certification of a Professional Engineer registered in the State of Tennessee that the Drainage system design and improvements are sufficient to accept surface and ground water reasonably expected to flow onto the subdivision and discharge all waters reasonably expected to flow from the property so as not to damage or flood properties nor to increase the established base flood elevation of the upstream or downstream portion of Flood Way within or without the site. Further, that the adequacy of the drainage shall in all cases be certified by the DEVELOPER'S engineer by his signature and seal affixed upon the Constructions Plans of said property prior to the final approval by the CITY PLANNING COMMISSION.
2. That in any development which alters or revises the Flood Plain or Flood Way shown on the Flood Hazard Boundary Map issued by the Federal Emergency Management Region Office, the DEVELOPER shall provide to the CITY FLOOD ADMINISTRATOR a Development Permit issued by the Federal Insurance Administration Regional Office accepting said alteration or revision of the Flood Plain or Flood Way. Further, until said Development Permit is provided the DEVELOPER shall not proceed with any work affecting the Flood Plain or Flood Way.
3. It is understood and agreed that the CITY OF BARTLETT in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY

OF BARTLETT design, construct, supervise nor certify the adequacy of the drainage improvements.

4. Neither is the CITY ENGINEER vested with any responsibility for the design of drainage improvements nor is he required to determine drainage capacities, survey elevation, cross check adequacy nor specify the type and locations of drainage improvements; and in providing technical assistance, planning and review the CITY OF BARTLETT does not commit itself to the construction, improvements or modification of the drainage system within or without the development.

5. Rather it is the responsibility of the DEVELOPER to properly anticipate, survey, design and construct all grading and erosion control improvements so that the development will not increase, alter or affect the flow of surface waters or channelized waters from or onto any property so as to damage or flood any property nor contribute to the same.

6. In providing technical assistance, planning and review the CITY OF BARTLETT seeks to enforce its minimal governmental standards and does not relieve or accept any of the Developers liability and responsibility to properly design and construct the site plan, grading, and erosion control measures.

7. The DEVELOPER further agrees to hold harmless the CITY OF BARTLETT and the CITY ENGINEER from any loss or damage from any claim, cause of action or liability resulting in whole or part from the design, construction and/or installation of the grading and erosion control measures including reasonable costs, litigation expenses and attorneys fees for defense of same.

8. As long as the City of Bartlett holds security, be it bond, letter of credit or otherwise, the City of Bartlett reserves the right to use said security for completion or repair of the erosion control measures during the warranty period of the development or for routine maintenance not performed by the DEVELOPER.

WARRANTY PROVISIONS

1. That neither the final certificate of payment nor any provision of this contract or its incorporated documents shall constitute an approval or acceptance of any work not performed in accordance with the contract and its incorporated documents, nor relieve the DEVELOPER of liability with respect to any express warranty or responsibility for faulty materials or workmanship.
2. That the DEVELOPER shall remedy any defects in work and pay for any damage to other work resulting therefrom which shall appear within a period of one (1) year from the date of final written approval and acceptance. The CITY shall give notice of observed defects with reasonable promptness. Further, this Construction Warranty does not effect but is in addition to the rights and liabilities assessed herein unless a longer period is specified.
3. That throughout the warranty period beginning at final acceptance the DEVELOPER shall provide a bond or other surety securing such warranty for all improvements in a form, amount and with terms acceptable to the CITY BOARD OF MAYOR AND ALDERMEN. The warranty period is to extend to a minimum of one (1) year after the City's final acceptance.
4. That the DEVELOPER shall complete all improvements in this contract within 360 consecutive calendar days from the date hereof; however, if due to unforeseen circumstances, the DEVELOPER is unable to complete said work within the times specified, but desires to complete said contract to the satisfaction of the CITY, the DEVELOPER will submit a written request for extension of the contract period to the CITY ENGINEER at least sixty (60) days prior to the expiration date for such completion, but in no case shall such date exceed one (1) calendar year from the completion date specified in any Performance Bond, provided said bond can be extended

for the additional period.

VI

BONDING REQUIREMENTS

That prior to proceeding with any site preparation, construction or installation of improvements the DEVELOPER shall deposit with the CITY all required fees and assessments for said improvements in a form approved by the CITY BOARD OF MAYOR AND ALDERMEN.

Further, prior to proceeding as stated herein, the DEVELOPER shall deliver to the CITY a Certificate of Deposit, Letter of Credit, or cash bond in the amount identified on Page 12 of said Contract. Further, prior to proceeding as stated herein, the DEVELOPER shall deliver to the City an approved N.O.I. (Notice of Intent), and SWPPP (Storm Water Pollution Prevention Plan) approved by TDEC (Tennessee Department of Environment and Conservation) as required by the Storm Water Phase 2 requirements.

VII

HOLD HARMLESS

That the DEVELOPER shall hold harmless the CITY and the CITY ENGINEER from any claim, cause of action or liability resulting in whole or in part from the design, construction or installation of the improvements within and without the limits of the subdivision, including reasonable costs, litigation expenses and attorney's fees for defense of same.

SPECIAL CONDITIONS

Ordinance 24-05 as approved on June 11, 2024 reduced the subdivision contract fees to zero for City Subdivision Inspection, Sewer Connection Charge, Water Connection Fee, Water Plant Expansion, and Water System Engineering. This applied to all basin except the Fletcher Creek Basin.

VIII
PAYMENT AND SCHEDULE BARTLETT, TENNESSEE. THE DEVELOPER WILL
PAY TO THE CITY OF BARTLETT THE FOLLOWING AMOUNTS AS
HEREINBEFORE DETAILED FOR:
BAH LEGACY SQUARE SUBDIVISION

I. Due at Execution of Subdivision Contract and before Construction Begins:

1. Water Plant Expansion
@ 15% of Water Main Cost
(Water Main Cost = \$0.00) **\$0.00** *

2. a. 'Water System Engineering and
Subdivision Review @)
6% of Water Main Cost \$0.00 **\$0.00** *

- b. Subdivision and Site Plan Review Fee
@ \$175 per lot or 1.5% of Public
Improvement Cost, whichever is greater
\$175 x 2= \$ 350.00
1.5% of \$0.00 \$0.00 **\$350.00**

- 3 Sewer Review Fee - \$10 per lot or \$25 per 250 feet
of sewer line extension (whichever is greater)
Minimum charge of \$25 per contract
\$10.00 implies \$20.00
\$25.00 implies \$0.00 **\$25.00**

- 4 Water Connection Fee
@ \$3,000.00 per service (1) Domestic, (1) Irrigation
2 **\$0.00** *

- 5 City Subdivision Inspection @
A: 3% of Development Cost \$0.00
or B: \$300.00 per Lot \$600.00
Whichever is greater
Development Cost = \$0.00 **\$0.00** *

- 6 Cost of Water and Sewer Mains to the Subdivision

***FEES WAIVED PER SPECIAL CONDITIONS.**

SEWER BASIN

7	Sewer Connection Charge at Greater of either @ \$2333 per acre	Acres (Total Site)
	\$ -	\$5,272.58
	(or) \$33 per Front Foot x 448'	\$14,784.00
		<u>\$0.00</u> *

DRAINAGE BASIN

8	a. 'Drainage Control Fee for those lots not served by a Detention Basin at \$500.00 per half acre or fraction thereof (in multiples of \$500)	
	b. 'Drainage Control Fee for those lots served by a Detention Basin at \$250 per half acre or fraction thereof (in multiples of \$250)	<u>\$1,250.00</u>
9	City portion of Water Improvements	N/A

\$ -

TOTAL DUE CITY

\$1,625.00

II. Due after date of Subdivision Contract and within 30 days after written request from the City's Department of Public Works.

1. Asphalt Paving Cost (Estimated Construction Cost)	\$ -
2. Street Light (Estimated)	\$ -

TOTAL DUE II

\$ -

III. Upon Execution of Subdivision Contract and Before Construction Begins 100% of Development Cost (BOND)

\$0.00

***FEES WAIVED PER SPECIAL CONDITIONS.**

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals at

Bartlett, Tennessee, this _____ day of _____, _____.

David Parsons
MAYOR, CITY OF BARTLETT

DEVELOPER: 7B Memphis, LLC

By: _____
Tim Heeren, Owner/ Operator

ATTEST:

CITY CLERK

BONDING COMPANY

LETTER OF CREDIT, APPROVED BY CITY ATTORNEY

BY: _____
CITY ENGINEER

DATE APPROVED BY BOARD OF MAYOR AND ALDERMEN _____

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

REVIEWED**AGENDA ITEM**

Meeting: 09/10/24 06:00 PM
Department: Parks and Recreation
Category: Change Order
Prepared By: Debbie Christopher
Department Head: Paul Wright

**Construction Administration Services for Dixon Brewer
CDBG Grant Project.**

Change order to approve construction administration services from Ross Witt, PLLC in the amount of \$10,500.00.

Funds are available in Accounts 311.48311.772.51623 and 110.44300.922.

Thank you for your consideration.



David Parsons, *Mayor*
Paul Wright, *Parks Director*
Jimbo Draffin, *Assistant Parks Director*

PARKS AND RECREATION

MEMORANDUM

Date: August 28, 2024

To: Mayor Parsons, Steve Sones

From: Paul Wright

Re: Ross Witt, PLLC

I am submitting P.O. 84108 for Ross Witt PLLC by \$10,500 for Design and Construction Services for the Dixon Brewer Enhancements project. When the proposal for design and construction services for the Dixon Brewer Enhancement was submitted and ultimately approved by the Mayor and Board of Alderman at the February 13, 2024 meeting, only the Design Fees of \$37,700 were included in the request with the \$10,500 for Construction Administration inadvertently omitted. Funds are available in 311.48311.772.51623 (\$7,300) and 110.44300.922 (\$3,200).

Respectfully,

A handwritten signature in blue ink, appearing to be "Paul Wright", is written over the word "Respectfully,". The signature is stylized with a large, looping "P" and "W".

Paul Wright

P.O. 84108

311.48311.772.51623(\$7,300)

11044300.922 (\$3,200)

**Mr. Paul Wright, Director**

27-Aug-24

Bartlett Parks & Recreation

5868 Stage Rd. Bartlett, TN 38134

Dixon Brewer Enhancement Project

RWAID No 23-129

Construction Administration

Total Construction Admin		\$10,500.00
Earned/Completed	20%	\$2,100.00
Less Previous Invoices		\$0.00
Amount Due		\$2,100.00

*Please remit to:***Ross Witt Architecture, pllc**

6500 Stage Road, Suite 3

Bartlett, TN 38134

reference invoice number 23-129-CA1

Thank You!



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

AGENDA ITEM

Meeting: 02/13/24 06:00 PM

Department: Parks and Recreation

Category: Proposal

Prepared By: Debbie Christopher

Department Head: Paul Wright

Proposal for design and construction services from Ross Witt for the Dixon Brewer CDBG Grant Project.

We recommend the proposal be awarded to Ross Witt, PLLC Architecture Interior Design for a total price of \$37,700.00.

Funds are available in Account 311.48311.780.51623.

Thank you for your consideration.



November 15, 2023 – REVISED 11.20.2023

Mr. Paul Wright

Bartlett Parks and Recreation
5868 Stage Road
Bartlett, TN 38134

RE: **Dixon Brewer Park**

ADA - Restroom Replacement, Tennis Access, Playground Access, and other Site Improvements
RWAID No 23-122

Dear **Mr. Wright**,

Per your request, we are providing our best estimate of a preliminary budget for **Dixon Brewer Park** with our understanding of the Scope of the Construction Project to include the following:

1. Completely demolish and remove the entire existing restroom building and foundation at Dixon Brewer Park and dispose of all materials properly off site. Cap utility lines at building for use with new building.
2. Construct a completely new ADA-compliant restroom facility with exterior design to be consistent with the Historic appearance. Include a base design of masonry walls and an Alternate Structural design of wood stud framing for Bidding.
3. Construct concrete ADA parking and grade and repave the pathway from the parking to the new restrooms and connect to the tennis courts. New pathways will be ADA compliant.
4. Design 3 Bid Alternates – 1) paths to playground 2) new playground surface 3) new playground equipment

We believe that the best guess of a preliminary budget for Dixon Brewer items 1-3 above is as follows:

1. Demolish and remove the entire existing restroom building (this may be self-performed by Bartlett)	\$ 25,000.00
2. Construct a completely new restroom facility	\$185,000.00
3. Construct concrete ADA parking and sidewalks with regrading	\$ 65,000.00
Subtotal	\$275,000.00
Estimate Contingency at 10%	\$ 27,500.00
Construction Budget	\$302,500.00

We propose to provide the following services for the design:

- Topographic survey and site civil grading engineering of area surrounding the existing restrooms as needed to complete ADA design for accessible parking and sidewalk paths from parking to the building to include consulting for survey and civil engineering.
- Architectural, Structural, Mechanical and Electrical Engineering design thru signed/sealed drawings and specifications as needed for permitting and for Bidding to contractors.
- Bidding of project to general contractors in a publicly advertised bidding process. Ross Witt assembles the Bidding Specifications to include Bartlett Standards and GRANT specs requirements per Tom Fletcher's requirements.
- Overall project management of design team.

Design Fees for the above Scope including 3 Bid Alternates are proposed as follows:

1	Survey (Allen and Hoshall)	\$ 2,900.00
2	Asbestos Consulting (George Payne – Fisher and Arnold)	\$ 800.00
3	Civil Engineering (Roy Lamica)	\$ 8,500.00

4	Mechanical and Electrical Engineering (BSG Engineering)	\$ 2,650.00
5	Architectural Design, Structural, and Overall Project Management (Ross Witt)	\$ 22,850.00

Total Fees thru and Including Bidding	\$37,700.00
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Construction Administration (CA) Fees by Ross Witt and team should the project bid successfully, and a general contractor be approved for a construction contract:

Construction Administration Fees	\$10,500.00
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In summary, the construction budget added to the design and CA fees is a total of \$350,700.00. We note that the Design Fees include the 3 alternates, and we are uncertain as to what these alternates might be budgeted at but likely more than \$150,000.00

If additional services beyond the above Scope are requested by the City, then we will negotiate an agreeable fee based on the following hourly rates for this project:

Benjamin Witt or Debbie Ross	\$250/hour
Architectural Leadership	\$195/hour
Drafting and Technical Support	\$125/hour

Also, we have not included time for Bartlett Design Review, Historic, or Planning Commission meetings and submissions.

The project invoicing will be monthly on approximately the 15th of each month, with invoicing from Ross Witt being transmitted via email. Payment is requested with 21 days of the date of invoice but only as the City process permits.

Should you have any questions please do not hesitate to contact me.

Thanks again and we look forward to our work together with Bartlett Parks and Recreation.

Sincerely,

Ross Witt Architecture, pllc



Benjamin Witt, AIA, NCARB, LEED-AP

Principal Architect

Approved by:

Signature and title

date

 1-31-2024
MAYOR



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 3639)

Meeting: 09/10/24 06:00 PM

Department: Finance

Category: Presentation

Prepared By: Dick Phebus

Initiator: Dick Phebus

Sponsors:

DOC ID: 3639

Resolution 33-24, a resolution to amend the Fiscal Year 2025 Bartlett City General Purpose School Fund and School Nutrition Fund.

WHEREAS, the Bartlett City Board of Mayor and Aldermen is required to approve the Bartlett City Board of Education (BOE) General Purpose School Fund and other school fund budgets, as amended; and

WHEREAS, the Bartlett City BOE, using Resolution 12-2, approved a budget amendment on August 22, 2024, which makes an amendment to the General Purpose School Fund for paying expense at Appling Middle, Bon Lin Middle, Ellendale Elementary, and Bartlett Elementary for \$1,060,000 and an amendment to the School Nutrition Fund for \$70,000 for kitchen equipment at various schools. The amendments will be funded by a \$1,060,000 use of General Purpose School fund balance and \$70,000 planned use of School Nutrition Fund Balance; and

WHEREAS, resolution 12-2 of the Bartlett City BOE is hereby attached and made a part of this resolution by reference;

NOW THEREFORE BE IT RESOLVED By the Board of Mayor and Aldermen that the amendment itemized in resolution 12-2 to the FY2025 General Purpose School Fund and Education Capital Project Fund of the Bartlett City BOE is approved.

Adopted this day of September 10, 2024

Harold Brad King, Register to the

David Parsons, Mayor

Board of Mayor and Aldermen

Attest: _____
Penny Medlock, City Clerk



RESOLUTION 12-2

A RESOLUTION TO APPROVE THE PLANNED USE OF GENERAL FUND BALANCE AND TO AMEND THE 2024-2025 FISCAL YEAR GENERAL PURPOSE FUND AND SCHOOL NUTRITION FUND BUDGETS OF THE BARTLETT CITY SCHOOLS.

WHEREAS, Tennessee Code Annotated §49-2-203(a)(10)(A)(i) requires the Bartlett City Board of Education to direct the Superintendent and the Chair to prepare a budget on forms furnished by the Commissioner, and when the budget has been approved by the Board, to then submit that budget to the Bartlett Board of Mayor and Aldermen for their approval; and

WHEREAS, these amendments change the total amount of the budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BARTLETT CITY BOARD OF EDUCATION:

Section 1. That the General Purpose Fund and School Nutrition Fund Budgets for the 2024-2025 school year for the Bartlett City Schools as presented in official budget documents are hereby amended by reference in the following amounts as referenced below:

Fund 141 - General Purpose Fund								
Fund	Function	Object	Project	Description	Budget	Add	Subtract	Amended Budget
141	72620	39900	0000	Paving Projects-AMS, BLM, EES (includes tree removal)	\$430,000.00	\$365,000.00		\$795,000.00
141	72620	39900	0000	Paving Projects-BES		\$570,000.00		\$570,000.00
141	72620	39900	0000	Painting Projects-BLE, BLM		\$125,000.00		\$125,000.00
Totals					\$430,000.00	\$1,060,000.00	\$0.00	\$1,490,000.00
Fund 143 - School Nutrition								
Fund	Function	Object	Project	Description	Budget	Add	Subtract	Amended Budget
143	73100	71000	0	School Nutrition Equipment (Planned Use of Fund Balance)	\$170,000.00	\$70,000.00		\$240,000.00
Totals					\$0.00	\$70,000.00	\$0.00	\$0.00
FY24 Amended General Fund Balance					Beginning Bal	Add	Subtract	Amended Fund Bal
					\$39,665,228.27		\$1,060,000.00	\$38,605,228.27

Section 2. That the budget documents required by law will be amended and submitted as required for approval to the Bartlett Board of Mayor and Aldermen, and, upon approval, shall be submitted as required to the State of Tennessee.

Section 3. That this resolution shall become effective August 22, 2024 from and after its adoption by the Bartlett City Board of Education.

Adopted this _____ day of August, 2024.

David M. Cook II, Chairman
Bartlett City Board of Education

Dr. David A. Stephens, Superintendent
Bartlett City Board of Education

APPROVED AS TO FORM:
Kari Shoopman, General Counsel