

VICE MAYOR LEE DAVIS: I think most of us agree that -- that the Lines orchard is an eyesore as it currently is. There's no doubt about that. But that's not really the issue. I think sometimes it's important to ask, how did we get here? How did we get to this place where we are today? And I think this part's very important in that we are not being faced with a situation where the owner of Lines Orchard has said business has changed, times have changed and I need to change my business model and therefore, I'm asking you to allow me to carry out an enterprise to benefit the Town of Walden.

Mr. John Anderson, who is a developer and an attorney, recognized an opportunity and in that opportunity he wants us to change fundamentally, entirely our zoning in the Town of Walden. That's a basic fact. How I know that is I also have read the letters and I've consulted the history of the town and I've looked at the long history of the Town of Walden. We're all mostly friends and neighbors and I think we can all agree that there's a way to move forward, but I think if we move forward without a plan and specifically without a land-use plan, I think we're going to run into is this problem over and over again, because if we adopt this proposed zoning change, we are scrapping our entire

zoning history of the Town of Walden.

Here's what I mean by this. Let me give you an example. This is a letter that was written by Karen Stone and she talks about the history of how we got these. You may not realize it, we met every Friday for five years to craft Walden zoning ordinances. Believe me, I was on that committee. It was very long and very tedious and very thoughtful effort. An example of that is result of the Signal Mountain Christian School was able to build where it was because we decided a school could go anywhere. We invented the VC-1 standard based on years of research, study, and debate.

It's clear to me that this is -- and this is what we have in front of us. We have a commercial building that is being told to us is a village center. And we have to deal with things honestly and directly. This is not a village center. This is flatly not a village center. How we know that is we look at people's actions. Mr. Anderson applied for this to be a commercial building. He did not apply for this to be a village center. Now he did withdraw it when he met opposition and resubmitted it and repackaged it as a village center.

I feel confident that Ms. Stone, Billy Ansell, Cree Bates, Ken Bell, Betty and Sam Chester, Sally and Whitney Durand, Fred Hesler, our first mayor, Mary Margaret Hesler, Mickey Robbins, Joan and Gene Robbins, Sam and Sally Robinson, who I've spoken to recently about this, and many others never intended when they came up with the zoning in the Town of Walden for a grocery store with a 60,000 square foot parking lot in front of it to be called a village center. They knew what a village center was when they adopted the zoning. That

The idea that the zoning doesn't fit is not really true. We had a meeting here in 2017, just two years ago, where our zoning was re-approved by this board, two of us and then Dr. Thom Peterson was the third one, and we all agreed on the zoning ordinances. And the reason I think this is important is because if we want to have a change, if we believe that having a grocery store is the best and highest use of this land, then what we need to do is change our zoning and we don't need to call it something that it's not. You know, we don't need to call it a village center. It's a grocery store. It's a commercial building that I have serious and grave concerns about what's going to happen if we approve this.

I asked Mr. Anderson the name of the grocery store at the last meeting and he wouldn't tell me. If this is such a great thing for the Town of Walden, it will be a great thing when the person who's going to build it comes in front of us and says hi, my name is Lee Davis and I'm planning on building a grocery store. Here's the name of it. Here's what we're going to do with it. The same thing with the other two buildings. The two other buildings that are going to be proposed are up to 6,000 square feet. Those things should cause everybody great concern. They're going to be on Taft Highway. They're going to be -- each of those is larger than our commercial zoning allows. Now I think this is critically important. This zoning requirement, this is not something that I came up with. It's not something the mayor came up with. This zoning requirement was the thoughtful deliberation of previous aldermen and previous mayors who sat up here for decades. We're simply the custodians of these elected offices while we're here. The decision that we're going to make is going to affect this town for decades. If it is a good decision -- and it may be. It may be a good decision. -- it will be a good decision when we get some basic questions answered.

The first house my wife and I bought up here in the

mid-'90s was Billy Ansell's old house. We bought it from the estate. His grandson sold it to us. And one of the first things we learned was you need to know when you flush the toilet where things are going to go. That house was the second most dilapidated on in Walden that we bought and renovated and Heather and I bought the most dilapidated house in Walden over in Topside. 20 years ago we did the same thing over there. Anybody who's lived here for any length of time knows you have got to get S-H blank T figured out first before you build a project.

Here's the problem with the thinking that if you build the project, the state will be okay with it. We're all here. We care about what's going to happen across the street. We need we should demand -- the only responsible course of action for us is to demand whoever is going to build out there come forward with us and show us the plan of what's going to go in the ground and how it's going to work. And if it costs money, it costs money. But they need to do that. We don't want Moccasin Bend smells on our Timesville Road and Taft Highway. We just don't. We need to stop it on the front end.

Here's the problem with the thinking that the health department will take care of it. There's nobody else protecting us, you know. We are protecting

ourselves. We're protecting each other. Here's the scenario I see. Mr. Anderson gets a contract with a grocery store. He makes a nice profit, as he should. The grocery store will not own the land. It's going to be an LLC and they're going to lease it to the grocery store. And the grocery store's going to be out of Abingdon, Virginia, and the management company's going to be out of Abingdon, Virginia. And then the health department's going to say here's the plan that you follow and they will build it correctly. The first time an 18-year-old kid working at the grocery store throws a slop bucket full of chemicals down into that septic system, it kills the biological material down there. The system is dead. And then we come back -- somebody complains to us. It falls upon us as the town, as the mayor and the aldermen, and we go to the state or we go to the -- and we say well, you issued this permit. It's not working. What's the problem? They're going to say that is an enforcement issue. Talk to your codes officer. The same guy who we're talking to now about limbs over Wilson Avenue. Right? We should trim those limbs. And that's going to be how it gets sent to the codes officer. Mr. Anderson's not going to own the grocery store. We can't send them down to his house on Hampton. It's going to be somebody else out of state

and we're going to be told well, we don't own the land or the grocery or the grocery store. We're leasing it from another company. And we're going to have an environmental problem. And then many of you or people buying their homes for future generations are going to come back to us and say who could have stopped this problem before it got started? It all looked good on paper. Right? We're the only ones that can stop it. The three of us are the only ones that can stop it. And you by expressing your opinions should hold us accountable to that.

If this is a good idea, it will be a good idea a year from now or six months from now. There's no downside to it. The -- we need to step back and ask that. Why -- how did we get here? The fear of the hall tax leaving drives us to have sales tax. We want sales tax, right? We all do. Wouldn't a good town plan at that area tell us what the highest and best use of this property would be. Maybe we could develop a town corridor from Timesville Road all the way up to the Fairmount Orchard and beyond and figure out what we want to do with it.

The other concern I have is you want to build a you're going to build a road with one curb cut on Timesville Road. One. How many of you have had

problems going in and out of Pruett's on a late afternoon with traffic? You've got one curb cut that's coming in at Timesville Road. You don't have a traffic light. You don't have any way to get in and out of it. You're going to have young drivers coming in and out of there. Can you imagine turning left -- can you imagine coming left out of that grocery store, people are coming 45 miles at 40 miles down the hill, if they're going the legal speed limit, in the fog? Somebody's going to get killed. Someone's going to get killed coming out of that parking lot and you're going to rightfully say to us why didn't we -- you -- why didn't we demand a traffic study on the front end? And I -- you know, that's the one to three-second delay. It's how are we going to safely get in and out of that parking lot?

That parking lot's going to be lit up till 11:00 o'clock at night. Where does trouble happen after 9:00 p.m.? Where the lights are, right? The only lights from the Sequatchie County line down to Pruett's will be sitting right at the front out there. Top of the W Road to the top of Taft Highway. The police department costs more than \$200,000 to run. So if we're thinking about what are going to be the revenues to the town, we've got to think about what are the unintended consequences

and costs to the town. If we have a store that's selling liquor and/or wine/beer and it's selling gas and diesel, you're going to have people up there. You're going to have trouble. It's going to happen. And I'm not saying it's going to be a bad place. I'm sure it's going to be a fine grocery store. But you're going to have a grocery store and you're going to have the diesel and gas station and you're going to have people coming in there and we have no law enforcement.

Right now we have two cars that patrol the county. When they lay out the districts in the county, they do it with a flat map. So Lookout Valley is the same patrol district that we are. So when somebody -- when a patrol car comes up the top of Signal Mountain, it patrols down Taft Highway, it patrols through here, and then it goes out into Lookout Valley on the other side of the river. It takes 15 to 20 minutes to get back here. Now we can rely on Signal Mountain. They're a good partner and they'll help us in time of need, time of crisis, but it's irresponsible for us to build a -- the largest grocery store -- the largest commercial building on the mountain if there's nothing close to it from here all the way to Sequatchie County and not anticipate that they're going to be crime problems.

And we're going to have these two other stores which we have absolutely no idea what those are. We all know that if if economic times become stressful, landlords will then -- what are we going to end up with there, right? We don't know. Now we can put conditions supposedly on paper about what's going to happen. I have very little confidence that we as elected officials can assure you who these tenants are going to be in those stores. I think that the candid and responsible way for it to be presented to us and presented to you would be for the person who is going to be developing this to come forward and say here's who's going to be here. This is what we're going to build. We've been told there was a bank that had some interest. That's -- that's not a contract. That's not a plan. That's sort of a promise of something that might be able to look at. Which relates to a couple of other issues.

We can just see by the number of people that are in here many people have favored this and many people are against it. I don't think in a town our size we should force change upon our citizens. I think if this were something where it was overwhelming support for it -- overwhelming support meaning more than 80 percent, well, then maybe we take a hard look at it. But the --

the data I've seen shows that the majority of the people are opposed to this. And I just don't and even if you say -- for argument's sake let's just say it was 50/50. Why would we impose change on 50 percent of our community if the alternative is we're not saying no to development -- we're not saying no to commercial development, we're saying let's get a plan. Let's get a plan. And with a plan have a confidence.

The specific thing we've been asked to consider is a change to VC-1. And here is why I think that -- that that doesn't work. There are six requirements and it says I'm reading from the section. Certain requirements set forth in this section may be waived by the board and mayor and aldermen so long as the plan approves and conforms with the guidelines and intent of this section. Well, I've already talked about the intent. The intent is what the founding families of Walden set up the VC-1 and what they understood to be as a village center to be.

So it says certain requirements may be waived. It does not say all requirements may be waived. It says certain. We are being asked to waive all six requirements. The first one talks about development size. Projects -- it says this: This ordinance will be limited to projects no less than 15 acres. Well, the

first thing it fails. It's being asked to be nine acres. And they're saying because of the sloping it could be this and that. The reality is it fails on that criteria. is not greater than 15 acres. It's not. So it fails on that.

The development layout. It says small four-sided blocks. So that's criteria number two. And it has descriptions of it. These are not -- these are not four small-sided blocks.

Number three, it says limited to three of the four sides of the off-street parking. Obviously, they're going to have to be exempt from that. They're not -- they're not -- they don't want to build it like that. They're building a parking lot out in front. And then it says street signs must be designed, on-street parking must be limited. That would not apply because of the -- they're not doing internal streets.

And then it says residential area, no block may have more than 20 percent residential area. There is no residential area. I agree that a village center could have an accompanying residential area with it.

Every resident on Timesville Road who's contacted us that I'm aware of is opposed to this. There is nobody from Timesville Road who has spoke at our public meeting; there's nobody who's contacted by e-mail;

nobody's contacted town hall who lives on Timesville Road who believes that this is a residential area that's in their benefit. They may not be residents of Walden, but I think you should listen to them. It's their homes. It's their neighborhood.

Mr. Anderson bought his property as a smart lawyer knowing what the conditions were that he could build on when he bought it just like all of you did. When you bought your property in Walden, you knew what the requirements were. So you may be sitting there and asking maybe I don't like the fact that I have to pay high property taxes. This two-acre zoning is something that's really burdensome to me. I think I'd like to go to a three-acre zoning. Would it fair to me to tell him that I'm going to build six houses over at my house around the corner from him? This -- and I say that and it may be a bit of an exaggeration, but this is what I'm talking about. This is a fundamental change. Fundamental. When a property owner can come to Walden, buy a piece of property, have it less than a year, and then come to us and tell us we're going to scrap and rip up a zoning plan, it tells me -- I feel like I'm being bullied, to be perfectly honest with you.

I feel like I'm being bullied and I don't think we should yield to that. I understand the economic pressure

and it's real. The economic pressure is real and I know Mr. Garvey when he spoke he talked about the increase of property taxes to his home and he has an absolutely valid point and I think we need to get people like Mr. Garvey to help us to come up with it so we don't have that. That is not a fair consequence of this. But I really do believe we can have a development along Taft Highway that coordinates with Signal Mountain, that coordinates with Mr. Anderson's property and it coordinates with Sequatchie County to make this a desirable place. We've all been to places like this. We've all been to mountain communities where there is charm and a sense of commercial development. And after our year-long look at this and developing a plan -- we as the customer, we go out and hire a town use planner and we have meetings like we did here or at Bachman and we pay a planner for a land use plan and say what is the best use? I do believe that this intersection is a good place for a town center, a real town center. But if we pay for that plan and it comes back and the town plan says you should build a 44,000 square foot grocery store at that site, I think we should do it. But if the town planning comes back and says I think you should have a town center with a town green and maybe mixed-use housing, maybe the things that are all VC-1, we're not

going to be asking for six requirements to be waived. We're not going to be asking that certain requirements be waived or all the requirements to be waived.

In my view, if what if we pass this thing tonight, if we vote to do it, we are making an arbitrary decision and our arbitrary decision is we are ignoring our zoning requirements and we are instead yielding to perceived fear of the economic future with the hall tax. I think we're smarter than that as a community. I think we're better than that. I think we can come up with an alternative. It may delay Mr. Anderson a little while in not building his grocery store immediately.

But I promise you you're going to make a profit on your property and hopefully it will be a better profit and it will affect your neighboring profit of your neighbors. We want your neighbors' properties to come up in value. We want everybody's to come up in value.

There's a risk. Everybody says that well, we'll be getting sales tax off the grocery store. There is a risk. If he's wrong, that thing could be a dead dinosaur. How many people enjoy driving past K-Mart in the last 15 years after it closed its lights? Do you think that that increases or decreases property values? I'm sure -- I'm sure the grocery store believes that that's the right site for it, but has anybody from Food

City come before us and said let me tell you why?

To me, this is -- this is too important I think for the town. We've got to slow down and be careful. If it is such a good deal, it's going to be a good deal after we do our due diligence and after we we as the customer have our town plan and we have input from everybody, because we do need commercial development in Walden and we need to be responsible for its development.

The last thing I just want to say is I do believe that if we move forward as we are now there's going to be irreparable harm to the town. I think that the potential with the septic problems we're talking about that would be irreparable harm. We heard from a retired expert who worked for the state at our last meeting. He spoke to me very convincingly sort of without emotion. If we move forward with this thing I mean, once that's in once that drip system is in there, there's no going back on it. We're just -- we've got a dead system, basically. So I think that's irreparable harm if we do that.

I think if we build without understanding the traffic study there was a failing grade on that coming out left onto Taft Highway. You want to risk one of your kids or one of your friends, one of your

neighbors getting killed coming left on Taft Highway because somebody said it will be fine as it is? I don't.

Lone Oak Church up on Taft Highway a five-year-old boy got killed crossing the street to church in the fog chasing his dog. The person was driving the legal speed limit. I represented him. He was driving the legal speed limit. He said he never even saw him. He was going 40 miles an hour. We're going to have people in the parking lot and have people crossing that road. We've got the Pumpkin Patch across the street.

We do not need to approve this thing based on that. There's irreparable harm that could come to us if we're not careful. We've got fundamental problems that need to be sorted out. We've got basic fundamental zoning problems. We've got the issue of we have no police department and no plan on how we're going to police. And haven't really heard the concerns just about the rain runoff. Again, I'm skeptical.

Respectfully, I think -- those are the concerns that I have. My recommendation would be to deny the motion, not because we don't want a commercial development. because it's premature and there are too many unanswered questions.