

Beat: Local

## Alton Avenue Residents Win!

### Shelbyville Firestorm

Shelbyville, Tennessee, 28.04.2015, 14:37 Time

**USPA NEWS** - After a multi-month battle to save their neighborhood from a retail Walmart Neighborhood Market, local residents are breathing a sign of relief after being notified by both the Developer and by City Officials that the project has been dropped.

### Shelbyville Firestorm

SHELBYVILLE, TN, APRIL 28, 2015- As the entire population is probably already aware there has been much talk around this area about the proposed "UTB Madison Project" which was to be a "National Grocery Store with Gas" to be built on Madison Street between Deery Street and Alton Avenue.

A group of homeowners and interested parties of the Alton Avenue (Kingsley Subdivision) were never informed by the City of Shelbyville or any other agency or representative of this project, because the Zoning Ordinance at the time did not require anyone to be notified other than the property owners of which were to be rezoned. In this case, that was nine Residential Zoned properties on Deery (Seven properties) and Alton (Three Properties).

Many had no idea until the proposed rezoning of these properties came before the City of Shelbyville City Council for first reading, after being approved previously by the City of Shelbyville Planning Commission. This lack of notification, both hurt and upset these property owners, many of whom have lived on the well-kept Alton Avenue area. So, they formed the "Vote No on Nine" organization to express their protest and opposition to the demolition of a majority of their neighborhood and the problems that this would bring upon them.

No member of the City Council, including their own representative, Mrs. Jean Pruitt, would answer their questions or even speak to them on this matter throughout the process, with the exception of one who stated that the Council was going to approve the rezoning, regardless, because of the city's fear of "being sued again over a zoning issue". A sad way for the elected representatives that these residents elected to represent them to act, or in this case not act.

The residents pursued this issue and their opposition. From the very beginning of this process, local Realtor Harold Segroves contacted homeowners, and made offers for the purchase of their property on behalf of a "Confidential" Developer. In one instance, one homeowner has email communications from Mr. Segroves showing the type of "pressure" he was putting on neighboring residents to sell. This specific homeowner told him that their property was not for sale and never would be. Mr. Segroves was present at every meeting of the City Council as well as the Public Forum (Which Mayor Cartwright informed the council members that they are not to respond to any questions from the public), as well as planning sessions and the like.

From the beginning, the residents were under the impression that Mr. Segroves was the "Official Representative" of this proposed project.

After the Rezoning Request was passed after a second reading of the City Council at the beginning of April, the residents were informed by another local realtor, that they may want to look at the original subdivision deeds, there may be some protection there. They did just this, they obtained copies of the original deeds for the Kingsley Subdivision (Alton Avenue), and found that every lot in the subdivision had what is commonly known as "Restrictive Covenants" entailed to the use of the land. The Deeds stated that no property in the subdivision may be used for any use other than residential,

and that these covenants and easements are tied with the land for all future owners in perpetuity. This Covenant basically created a Home Owners Association for the Kingsley Subdivision, and they could not be broken or changed without a majority vote of every single property owner in the neighborhood.

Now, it needs to be stated that the City of Shelbyville, as well as Planning and the City Council has no authority to use Covenants in any rezoning matter. Covenants are covered under Contract Law and as such would be decided by the courts, if needed.

The "Vote No on Nine" members contacted every "National Grocery Chain with Gas" company, including Publix, and Walmart. Upon speaking with a Mr. Glover, development director for Walmart Neighborhood Markets in Tennessee, he knew of almost every detail and facet of the Shelbyville project, though he would not "officially confirm" that it was a Walmart Neighborhood Market that was being proposed.

At the Second Reading of the City Council, Mr. Segroves was in the company of representatives of Polestar Development, a subsidiary of The Hutton Group of Chattanooga. A quick background and project search instantly confirmed that both The Hutton Group, and more specifically Polestar Development were the developers of every recent, current,

and proposed Walmart Neighborhood Market project in Tennessee and Georgia.

On Wednesday, April 22, 2015, several residents were visited a Mr. Frank Cowden, Real Estate Manager for the Hutton Group. He was told by these residents of their opposition, and that they would not support any type of "by passing" or overturning the Covenants tied to the land of their street. He was told that many of these residents have lived on Alton since the 1950's and that they take pride in their neighborhood and a simple "drive up the street" would show this. They did not want this project in their front yards, but they were in no way in opposition to the project coming to Shelbyville in any location that was more appropriate or better suited,

than their residential neighborhood. They also informed Mr. Cowden, of the pressure that they received from Mr. Segroves, and their resentment of this.

One of the residents was contacted again on Friday, April 24, 2015 by Mr. Cowden, and were told that he told of the "firestorm stirred up by Mr. Segroves" and "Mr. Segroves had no authorization to try and convince you" or other members of your community to "change your mind". He went on to state that "He (Harold Segroves) does not represent Hutton, Polestar, or any of our employees or affiliates."

Mr. Cowden stated that after meeting with a few of the homeowners on Alton Avenue, their intention "was and still is to drop the project".

The Shelbyville Free Press has reached out to The Hutton Group for confirmation as well as expansion on their comments concerning the project. No comment from The Hutton Group has been received by the SFP, however one of the "Vote No on Nine" organizers did receive the following statement last night from Mr. Cowden "the project was dropped last week." City Planner, Amanda Rhinehart advised another Alton Resident yesterday via telephone, that "the project has been dropped" and no further action will be made on it.

Now many have said of the "Vote No on Nine" group, "Anti-Progress" and in one case, Brian Mosely of the Shelbyville Time-Gazette actually pulled obscure, pre-Civil Right Act wording from the same deeds which were voided by both the Civil Rights Act in the 1960's as well as the Equal Housing Act, just to "stir the pot" among residents.

At no time, since their organization, began their fight has any single member of the "Vote No on Nine" organization has anyone stated that they did not want this development in Shelbyville, their fight was to prevent it from being literally in their front yard. It is a simple and true fact, that there is probably many more residents here in Shelbyville, if not in many other places, who would have fought for the same if a major retail development was going to be constructed in their front yard. They are not anti-progress or anti-development, they are simply pro-neighborhood, pro-safety, and pro-investment protection.

**Article online:**

<https://www.uspa24.com/bericht-3940/alton-avenue-residents-win.html>

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