

Kevin P. Murphy
4508 Murphy Rd
Knoxville, TN 37918-9179

September 2, 2009

RE: 9-I-09-RZ : Rezoning for Murphy Road Car Wash from C-4(k) to C-4

Dear MPC Commissioners,

I request that you deny the rezoning request 9-I-09-RZ to C-4. My reasons are as follows:

1. Noise – the exit of the proposed car wash is pointed directly at my house, which is a historic structure built in 1841 on a Tennessee Century Farm. Music from the fuel pumps at the adjacent Weigels can be heard outside my house on a calm morning; the noise from the exit of a car wash is substantially louder and will cause significant loss of enjoyment to my family's rural, heritage farm.
2. Appropriateness – The uses allowed in a C-4 zoning, and its lack of restrictions, is inappropriate for this intersection. North East Knox Preservation Association, a group of area residents, initially wanted only residential development in the area. A compromise was reached with Mr. Jernigan to allow very limited commercial development in a community that would be pedestrian-friendly and walk-able. The uses envisioned in C-3 and/or C-4 (automobile service stations, car washes, drive-in commercial uses, motorcycle sales and repairs, new and used car and truck sales) do not promote a walkable community. C-1 zoning, or possibly something similar to C-7, are appropriate considering that this is property is adjacent to a 205 acre Tennessee Century Farm with a National Register eligible building on it. This farm serves as the gateway to the Ritts community and could serve as the entrance to the Washington Pike Rural Heritage corridor as called for in the North East County Sector Plan. A car wash, or other uses allowed by this rezoning request, is not appropriate. There is also no landscaping design to shield the proposed car wash from the street or from view of my adjacent historical farm.
3. Enforcement / Uses other than as proposed – Mr. Jernigan provided a number of verbal assurances regarding the proposed car wash – operating hours that don't stretch into the night, restricted lighting, and I believe he will follow through on these if the rezoning request is approved and his financing remains intact. However, he could sell the business to a future owner who would increase the operating hours, add poorly designed lights, or make other changes. The C-4 zoning does not require a use-on-review process to govern any future changes to the property. Nor does it provide any guarantee that a car wash will be built there. It's possible that Mr. Jernigan could lose control of the property before it is built; another owner would be able to build anything permitted in C-4 without any community input.

Why does my opinion matter? My relatives and I are committed to preserving a piece of Knox County's rural heritage adjacent to this proposed development. My ancestors settled in this area 212 years ago. The original farm, which is largely intact, has been recognized as a Tennessee Century Farm, one of only eight (8) Century Farms in Knox County. I am restoring a unique house on the farm, built in 1841. The MPC staff has been asked to prepare an H-1 overlay zoning plan for my portion of the farm to protect this building and several old outbuildings. The house was to be submitted to the National Register of Historical Places last year, but upon advice from the Tennessee Historical Commission I am waiting until the restoration is complete before nominating the property. I am investigating

the possibility of executing a conservation easement on my parcel, and it is possible that other members of my family may take similar actions on their parcels in order to preserve the agricultural character for generations to come.

My primary concern (shared by my relatives) are light and noise emanating from development in the area that cross our property line. A secondary concern is increase in vehicular traffic (because of the light and noise from vehicles). A tertiary concern is an increase in vehicle traffic which will require widening of roads; that means acquiring additional right-of-way from our family for land that we've held for 212 years.

I met with Mr. Jernigan and Mr. McBride today to discuss the plans for the proposed car wash. I will give them credit for complying with a prior request to minimize the light impact on our property. The proposed lighting system seems to address with that problem. They verbally indicated that the operating hours of the proposed car wash would be from 8:30AM until dark, and that the lights would turn off around 9 or 9:30PM each night. Signs would be an internally illuminated monument sign and an internally illuminated sign on the exterior of the building that shut off at 9 or 9:30PM as well.

Unfortunately, the plans are quite complete and they cannot address my concerns about noise at this time. I am also concerned about the lack of landscaping (there is no landscaping plan that has been completed) along Washington Pike. If Mr. Jernigan and Mr. McBride had responded in a timely manner to a meeting request that I sent to them on 22 July 2009, it is possible that these issues might have been addressed. They did not respond until 19 August 2009, just after the building permit application was denied for a car wash in the existing C-4(k) zoning.

One other thing that should be considered – the existing northeast county sector plan. This plan calls for two items that are very relevant to this area: [Washington Pike Rural Heritage Corridor](#) and [Ritta: A Neighborhood on the Rural Fringe](#). I believe the rural heritage corridor should start at the Murphy Road and Washington Pike intersection at our farm, which has been designated a Tennessee Century Farm. Ritta was named by my great, great, great aunt Zula Foster Murphy and the Murphy Farm is located in the heart of the Ritta Community.

In the attachments I'm including a few useful property maps, a few photos, and some additional details behind my concerns surrounding this rezoning request.

In closing, I again respectfully ask that you deny this rezoning request based on the probability of noise aggravation, the inappropriateness of heavier commercial development in this rural area, and the lack of a review process once the rezoning request is approved.

A handwritten signature in black ink, appearing to read 'K. Murphy', with a stylized, flowing script.

Kevin P. Murphy

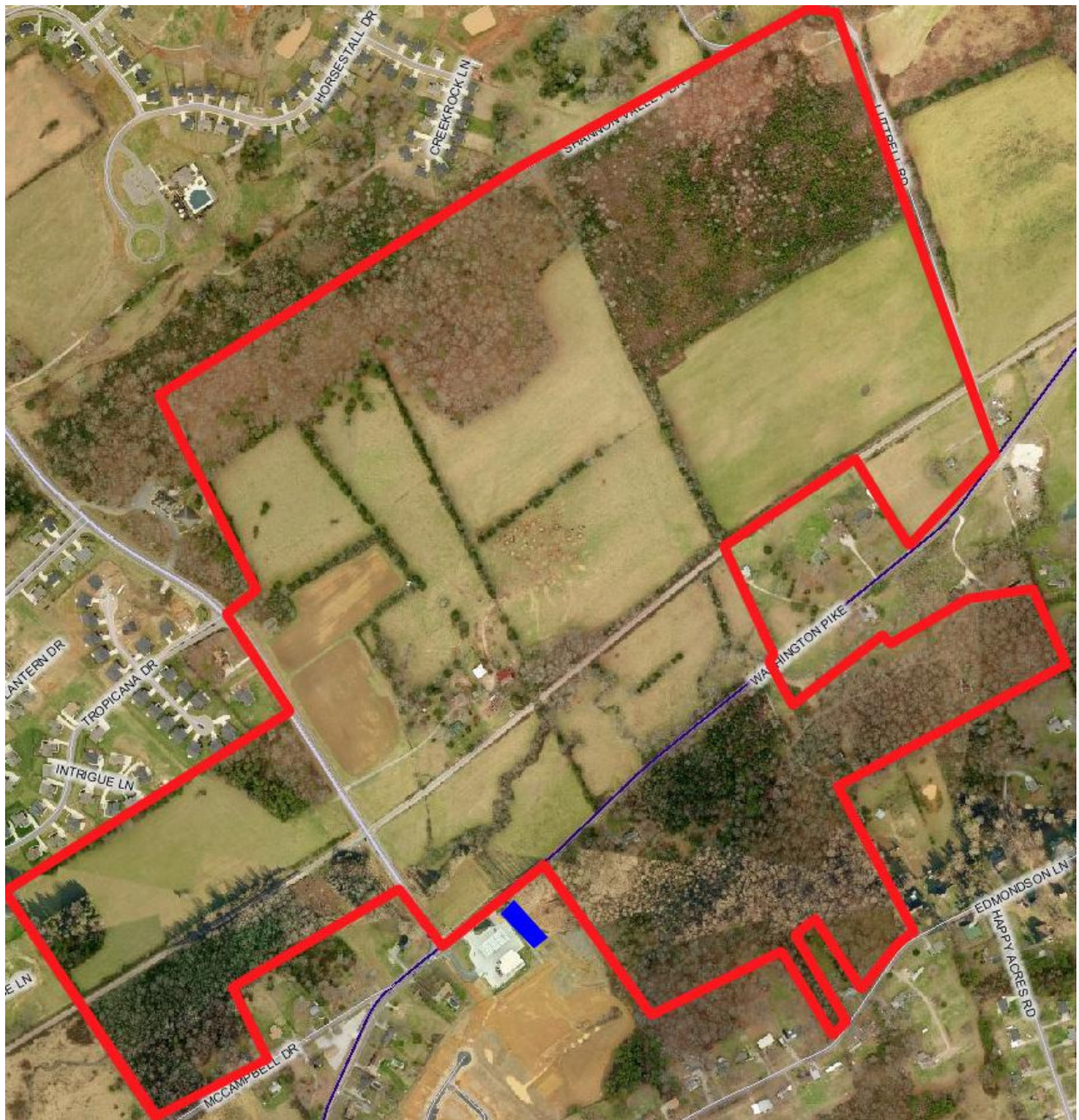


Figure 1 - Map of Murphy Farm property holdings in **Red**; Rezoning Request in **Blue**



Figure 2 – Proposed Liquor Store site, looking across Washington Pike to Farm



Figure 3 – Proposed Car Wash Site, sitting above level of Weigels and Washington Pike



Figure 4 – From Weigels looking across proposed car wash site to Murphy Farm



Figure 5 – From Murphy Road looking east across farm; Washington Pike on right side



Figure 6 – From my property line, looking south across Washington Pike. Notice how far the road sits above my property line, and how far above that grade the car wash will be



Figure 7 – From Murphy Farm, looking southwest at Weigels and Washington Pike / Murphy Road intersection. Notice lack of existing commercial development, except for Weigels



Figure 8 – Looking north at Murphy Farm from proposed car wash site. Notice how visible the old house is.



Figure 9 – zoomed in view from car wash site to old house



Figure 10 – Looking out house, southward at site to be developed



Figure 11 – Close-up of view from old house. There is no barrier for light or sound between this lot and the old house



Figure 12 – Recent picture of the ongoing restoration of the Hugh Murphy House



Figure 13 – East Tennessee Draft Horse and Mule Owners Association plowing a field on Murphy Farm, September 2008

Other thoughts and pertinent information about this rezoning and development in the Ritta area:

Noise

A car wash will generate noise from the following sources:

- Noise from vehicles idling to enter the car wash
- Noise from the washing mechanism
- Noise from the dryer blower
- Noise from the vehicles themselves (stereos playing)
- Noise from the use of vacuum cleaners

Some of these noises – stereos and idling – are already generated from the existing Weigels and are a nuisance.

The sound of a car wash blower activating detracts from the rural setting we try to create for some things at the farm. The East Tennessee Draft Horse and Mule Association plows the field along Murphy Road each year and sows a crop of winter oats. The sound from a car wash drifting across the fields is not in harmony with the mules pulling old plows through the tough soil with chains clanking.

Due to the location of the car wash across a field and above my historic house, noise will carry far. If there is no noise from cars on Washington Pike, I can hear the radios playing at the self-service gas pumps at the existing Weigels across the field. A car wash will be more intensive noise than those radios are.

I like to leave the windows open during the day when I work from home, but a car wash will force me to close windows on that side of the house so that conference calls with customers aren't interrupted when the drying cycle starts.

I do not believe that my cousin, who lives on Washington Pike, adjacent to the proposed location, will enjoy listening to a car wash either from his bedroom windows which face the proposed car wash.

Existing Sector Plan Concepts

The existing northeast county sector plan calls for two items that aren't addressed in the North City sector plan, but are very relevant to this area:

1. [Washington Pike Rural Heritage Corridor](#). I believe this corridor should start at the Murphy Road and Washington Pike intersection at our farm, which has been designated a Tennessee Century Farm.
2. [Ritta: A Neighborhood on the Rural Fringe](#). The Murphy Farm is located in the heart of the Ritta Community. Ritta was named by my great, great, great aunt Zula Foster Murphy.

The Murphy Farm is split across the North City sector plan and the Northeast County sector plan. Unfortunately the recent updates to the North City sector plan did not address these two concepts where the two plans separate at Washington Pike and Murphy Road.

A car wash does not fit into either of these concepts in the sector plan and is not appropriate.

Vehicular Traffic

I am opposed to uses which will substantially increase vehicular traffic because:

1. Vehicles generate light and noise which cross our property boundaries
2. Additional vehicles may necessitate widening Washington Pike, which will require acquisition of right-of-way from our family's lands that we have held for 212 years and that are designated a Tennessee Century Farm.

Plan for remaining parcels

The remaining parcels owned by the applicant, Victor Jernigan, through his Murphy Road Partnership LLC and Murphy Road Storage LLC entities are not covered by use-on-review either. The car wash is not part of the original proposed comprehensive development plan; therefore we must assume that the original plan is in flux and no longer a reliable plan.

If the plan is still being executed, I am concerned that a car wash would not be a desirable outbuilding for the front of the nicely planned Shoppes at Murphy Road.

Lack of Communication from Applicant to Surrounding Community

The applicant has not proactively contacted any member of my family or the North East Knox Preservation Association about the proposed changes to the land use. I contacted his construction manager, Jeff McBride, on July 22, 2009 when I saw grading equipment in operation, but I did not receive a reply until after their application for a building permit was denied by the city. Then the applicant expressed an interest in meeting to discuss the plans, and a meeting was held on September 2, 2009.