

From: Mike Brusseau
To: Betty Jo Mahan
Date: 9/1/2009 1:13:27 PM
Subject: Fwd: RE: Rezoning 9-I-09-RZ - Murphy Road Car Wash

>>> "Murphy, Kevin P" <Kevin.Murphy2@ca.com> 9/1/2009 1:00 PM >>>
Hi Mike,

Here are some of my concerns about the proposed rezoning. I apologize that I have not gotten back to you earlier.

Our main concerns 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.

Light Trespass

The proposed car wash location is located at an elevation above the old house. Poorly designed lighting easily spills across the field and onto the house. The existing Weigels is an example of how a use, which received a number of zoning variances from the BZA, can cause significant detriment to the neighborhood.

We are trying to preserve an example of an early farm settlement, complete with outbuildings, yards and outdoor spaces. Any light trespass from neighboring properties impacts the rural nature of this farm settlement, which was located out in the country with no light from neighbors visible.

The city zoning ordinance (Article V Sec 17) does not require lighting to be shielded from adjacent agricultural land; only from adjacent residential land, and unfortunately does not help protect our land.

Article IV Section 2.2.7 B. 21. e. requires that "outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type."
I have not seen any lighting plan yet.

I do not believe that the proposed zoning places any restrictions on hours of operations. The car wash, or other business, could be open 24x7. At least Weigels closes from midnight to 5:30AM. When they close, the lights are shut off, and the area transforms into a rural oasis. Once a car wash is in place operating 24 hours a day, there will be no more oasis, even at 1AM.

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)

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 very clearly. 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 adjacent to the other parcels that are to be developed, will enjoy listening to a car wash either from his bedroom windows which face the proposed car wash.

I do not believe that the proposed zoning places any restriction on hours of operation. The noise levels allowed from a commercial use property would probably prevent me from going to sleep with the windows open.

Enforcement

The proposed zoning does not require a use-on-review for the proposed use. There is no public comment period for input about noise and lighting plans.

The applicant can also, once rezoning is approved, undertake other uses since there is no requirement that he stick with a car wash. Under C-4 zoning the applicant could undertake other uses that we would not be agreeable to, such as an animal kennel; drive-in commercial uses; motorcycle sales, repair and services; auction house; outdoor advertising.

Appropriateness

* Signage regulations vary drastically from C-1 (current conditioning) to C-4. I don't believe large signs are appropriate for a

rural heritage corridor (which Washington Pike is envisioned to be in the Northeast county sector plan)

* An old family cemetery (earliest grave - 1847) is located approximately 300 feet from the proposed car wash. That's a lot of noise to have next to an old cemetery.

* I do not believe that a car wash is an appropriate neighbor for a rural, heritage agricultural farm. The Tennessee Department of Agriculture is sending me signs (see attachment) that I would like to place on Washington Pike. I don't think that the car wash and these signs make appropriate, well-thought out neighbors.

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
<http://archive.knoxmpc.org/plans/necounty/sd_wash.htm> . 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
<http://archive.knoxmpc.org/plans/necounty/sd_ritta.htm> . 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 has been scrapped. We have not seen a new plan for the remaining parcels and cannot determine if their use will be compatible with the parcel that is proposed to be rezoned.

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. That meeting is scheduled for Sept 2. The applicant has not

I appreciate your attention to this matter.

Sincerely,

--Kevin

-----Original Message-----

From: Ann Bennett [<mailto:Ann.Bennett@knoxmpc.org>]

Sent: Thursday, August 27, 2009 9:37 AM

To: Murphy, Kevin P

Cc: Mike Brusseau

Subject: Re: Rezoning 9-I-09-RZ - Murphy Road Car Wash

Kevin:

Thanks for your e-mail. I wanted to let you know that I have talked with Mike Brusseau and he wants to try to address your concerns. It would be helpful to both of us if you could itemize those concerns, both general and specific, regarding the use and its potential impact

Thanks.

Ann

>>> "Murphy, Kevin P" <Kevin.Murphy2@ca.com> 8/26/2009 12:21:38 PM >>>

Hi Michael,

I received a postcard in the mail today regarding a rezoning on the agenda for the September MPC meeting for 5908 Washington Pike (9-I-09-RZ)

As you put together the staff report and recommendation, please be sure to talk to Ann Bennett regarding the area. She and I are working on a historical overlay zoning for my agricultural and historical farm on the north side of the property. There's an old house and other structures that we plan to put on the National Register. MTSU is also evaluating an application for a Tennessee Century Farm designation for our family's old farm, which comprises the parcels to the north and east of Murphy Road Partnership and Murphy Road Car Wash's land.

Thanks for your time,

--Kevin

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. gThis farm serves as the gateway to the Ritta 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', written in a cursive style.

Kevin P. Murphy

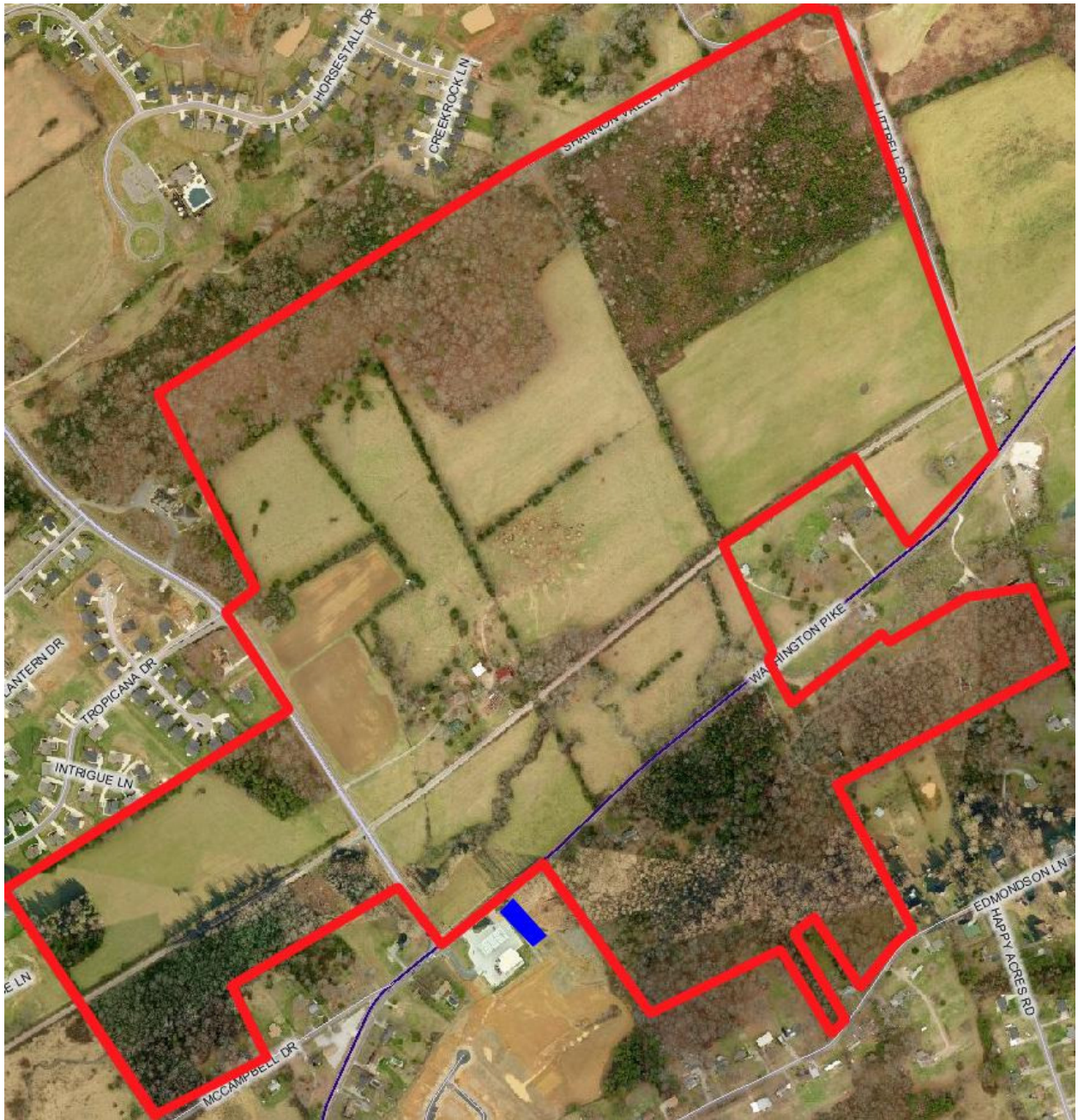


Figure 1 - Map of Murphy Farm property holdings in **Red**; Rezoning Request in **Blue**



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.

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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.

From: "Kevin P. Murphy" <kmurphy@alumni.rice.edu>
To: "Mark Donaldson" <Mark.Donaldson@knoxmpc.org>, <michael.brusseau@knoxmpc.org>
Date: 9/8/2009 10:15:16 PM
Subject: Murphy Road Car Wash Rezoning report

Hi Mark,

I do want to commend Michael for some out-of-the-box thinking with the proposed conditions on the Jernigan / Murphy Road Car Wash rezoning request. While I'm obviously opposed to the use in general, it was a good compromise suggestion and an excellent idea. I could hope that similar conditioning might be used in some other property nearby if it ever comes up for rezoning.

Thanks for your work - it is appreciated.

I sent the attached letter to the commissioners tonight. Could you please forward to Ms. Mahan as well for inclusion into the record?

--Kevin

Kevin P. Murphy
4508 Murphy Rd
Knoxville, TN 37918-9179
September 8, 2009

RE: Staff Report for 9-I-09-RZ : Rezoning for Murphy Road Car Wash to C-4

Dear MPC Commissioners,

I've reviewed the staff report for 9-I-09-RZ. While I do not agree with overall the staff recommendation to approve the rezoning with the two conditions, I must commend the staff for coming up with setback, signage, site lighting and landscaping requirements that are appropriate for the area. I also recognize that MPC staff has limited time and resources to prepare the report, and I do appreciate their efforts to come up with a compromise solution.

There are a few areas that were not addressed in the staff report (and may well be out-of-scope for what the staff should address in a report). If these are taken into consideration, then I believe the decision should be to deny the rezoning request, or at least table it for a period of time until they can be addressed by the applicant.

Noise – City of Knoxville noise ordinances permit a sound level of 80 dB(A) to emanate at the property line of a commercial property from 7:00AM until midnight. How loud is 80 dB? A garbage disposal or a telephone dialtone are commonly cited examples. Perhaps development on this land should be held to similar noise standards as residential areas (65 dB from 7AM – midnight)?

This is a residential and rural area. There are commercial uses, already approved for the property, that do not generate the noise impact that a car wash will generate.

The noisy portion of a car wash is from the exit to about 80 degrees either side of the car wash, along with any exterior vacuums. The sides and entrance of a car wash are relatively quiet. If the applicant absolutely must have the car wash on this property, then perhaps it can be reconfigured so that the exit does not point to residential land, but instead to the applicant's planned shopping center.

Historical Resources in Area – The report did not mention my house, which is eligible for listing on the National Register of Historical Places. It did not mention that the car wash is across the street and next to the 205 acre Murphy Farm, which is a certified Tennessee Century Farm (established 1797). It also did not mention the MPC staff work currently in progress to define a H-1 historic zoning overlay for my 50 acres of the Murphy farm.

The identification of such historical resources should at least be noted on the staff report, as well as an analysis of the potential impact to these resources.

I'm undertaking substantial measures to save an old house and old farm. If a car wash is built next door, I will have to live with all of the negative aspects of it for decades and the incongruity of it and the rural way of life I am trying to preserve.

Developing (or established) Commercial Node – the staff report cites a developing commercial node at the Washington Pike and Murphy Road intersection. Since property in the area was first rezoned in 2003, only a Weigels has been built. A single gas station

hardly makes a development hot spot. The rest of the area within a few thousand feet is restricted to low density residential, agricultural, and a single CPA.

The Knoxville Center Mall area, which is just four (4) minutes away by automobile, provides adequate commercial services for the area. A commercial node at the intersection of Washington Pike and Murphy Road is not necessary for the greater community.

Northeast County Sector Plan – Two concepts from the Northeast County Sector Plan were not mentioned in the staff report - [Washington Pike Rural Heritage Corridor](#) and [Ritta: A Neighborhood on the Rural Fringe](#). As I stated in my letter of 2 September, I believe the rural heritage corridor should start at the Murphy Road and Washington Pike intersection at our farm. The sector plan envisions this beginning on the other side of our farm (at Luttrell Road), but I believe my relatives and I are willing to give an opportunity to start the corridor at Murphy Road and Washington Pike. Our farm also is the geographic core of the Ritta community, and as such any concepts related to Ritta: A Neighborhood on the Rural Fringe should apply to the farm and the development on Washington Pike.

I think there's some additional discussion that needs to be had about the proposal. I contacted the applicant and his staff several times in 2008 to inquire about the status of the proposed self storage facility behind the proposed car wash, and was told plans were not finalized. On 22 July 2009 I contacted the applicant's staff to inquire about the plans for a car wash that I heard was rumored, but I did not hear back from them until the applicant's building permits were denied by the City of Knoxville because of zoning restrictions. Then I received a very prompt response and invitation to meet, which were finally able to arrange finally last week. I think there's some significant meeting and planning that needs to occur for this area between the applicant, the Murphy family, North East Knox Preservation Association, the Wynngate, Shannon Valley and Summer Rose homeowners associations, and MPC staff.

I do appreciate the efforts of the MPC staff in preparing the zoning report. I've probably spent more time writing this letter than MPC staff was given to write the zoning report, and I am pleased with a few of the ideas brought up in the staff report. There was some out-of-the-box thinking that needs to be commended.

Please vote to deny this rezoning request, or at least to table it until further analysis can take place.

Sincerely,

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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 Ritta 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", written in a cursive style.

Kevin P. Murphy

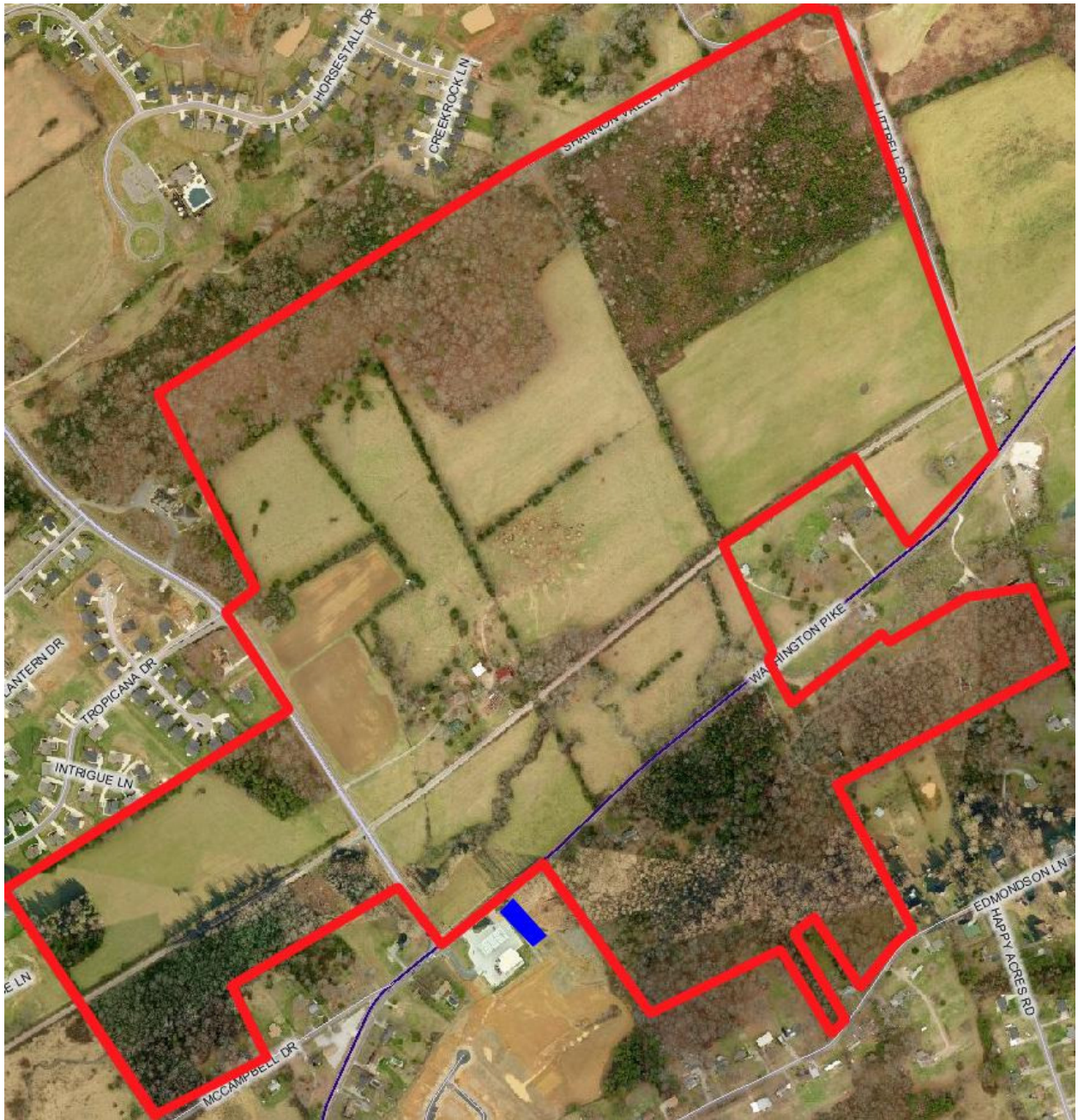


Figure 1 - Map of Murphy Farm property holdings in **Red**; Rezoning Request in **Blue**



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.



NEKPA

Northeast Knox Preservation Association



P.O. Box 5863
Knoxville, Tennessee 37928
www.neknox.org

September 9, 2009

Metropolitan Planning Commission
400 Main Street
Suite 403, City County Building
Knoxville, TN 37902

VIA FAX – 865.215.2068

RE: File #9-I-09-RZ
Request for Rezoning to C-4 by Murphy Road Partnership, LLC / Murphy Road Car Wash, LLC

Dear Commissioners:

Today I received a telephone call from Garrett Jernigan regarding this proposed rezoning, informing me of their new plans for the property

As the neighborhood organization that originally negotiated with Victor Jernigan about the zoning for this property, we have a keen interest in the changes to the zoning that they are requesting

However, there is not enough time for me to poll the board, much less the membership, before the meeting tomorrow. Therefore, I am asking for a postponement so that our neighborhood group and the Alice-Bell/Spring Hill group can discuss the changed plans and what it means for our neighborhood

Respectfully,

Lisa Starbuck
President