



# STAFF REPORT

AGENDA ITEM: 13

**CASE NUMBER:** SUP 19-34 **L.U.C.B. MEETING:** November 14, 2019  
**LOCATION:** 3690 Old Allen Rd  
**COUNCIL DISTRICT:** District 1 and Super District 9 – Positions 1, 2, and 3  
**OWNER/APPLICANT:** Arthur David Smith  
**REPRESENTATIVE:** Lou Katzerman, Tower Ventures  
**REQUEST:** 180ft. CMCS tower  
**AREA:** +/-6.39 acres  
**EXISTING ZONING:** Single Family Residential – 6 (R-6)

## CONCLUSIONS

1. The request is for a cell tower in the Single Family Residential – 6 (R-6) zoning district.
2. Staff agrees the approval criteria in regard special use permits as set out in the Unified Development Code Section 9.6.9 are met.
3. Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(2) are met.
4. The applicant will be required to submit a study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate to the Office of Construction Code Enforcement staff before any permits are issued.
5. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is not applicable to Memphis 3.0. See further analysis on page 13 of this staff report.

**RECOMMENDATION:**  
*Approval with conditions*

**GENERAL INFORMATION**

**Street Frontage:** Old Allen Rd +/- 474.46 linear feet  
**Zoning Atlas Page:** 1740  
**Parcel ID:** 090076 00137  
**Existing Zoning:** Single Family Residential – 6 (R-6)

**NEIGHBORHOOD MEETING**

The meeting was held at 2:00 PM on Saturday, November 2, 2019, at New Dimensions Ministries, 3607 Frayser/Raleigh Road.

**PUBLIC NOTICE**

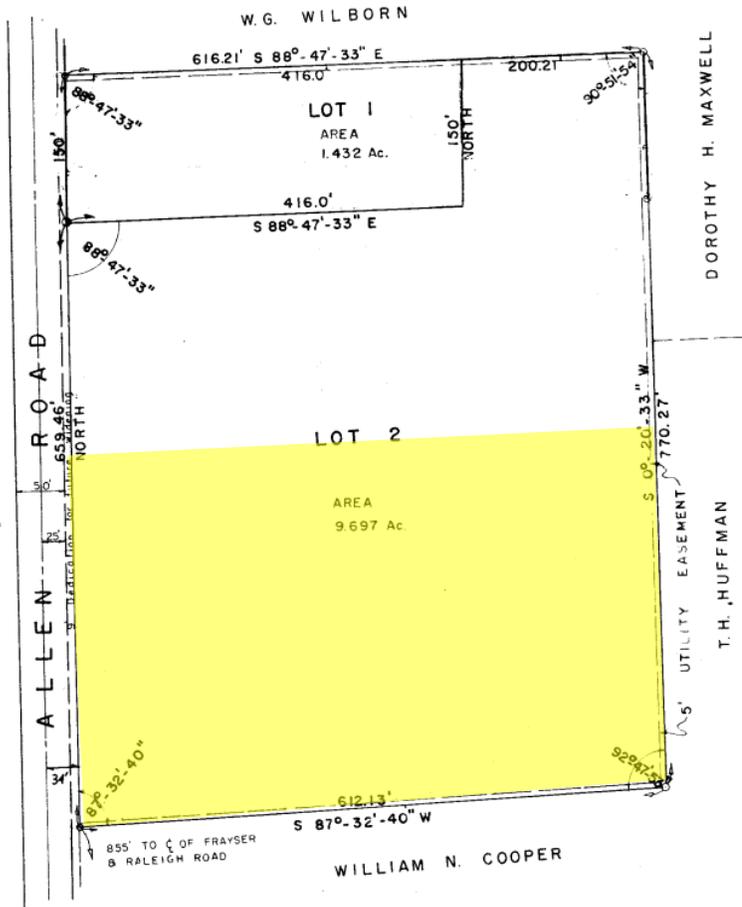
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 31 notices were mailed on October 30, 2019, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



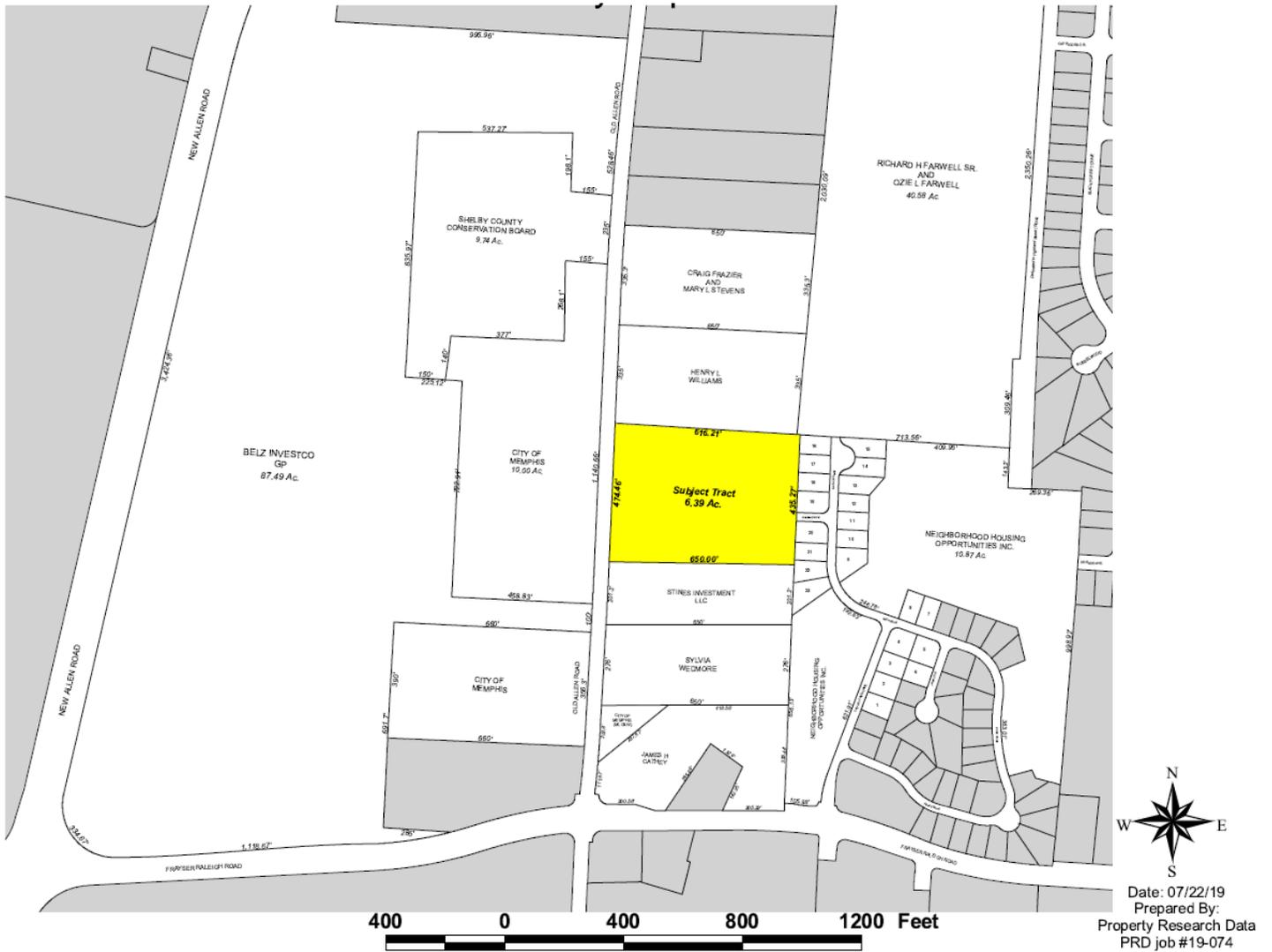
Subject property located within the pink circle, Raleigh neighborhood

**OAK MOUND SUBDIVISION (1968)**



Subject property highlighted in yellow, Part of Lot 2

**VICINITY MAP**



Site highlighted in yellow

**AERIAL**



Subject property outlined in yellow

**ZONING MAP**



Subject property indicated by a pink star

**Existing Zoning:** Single Family Residential – 6 (R-6)

**Surrounding Zoning**

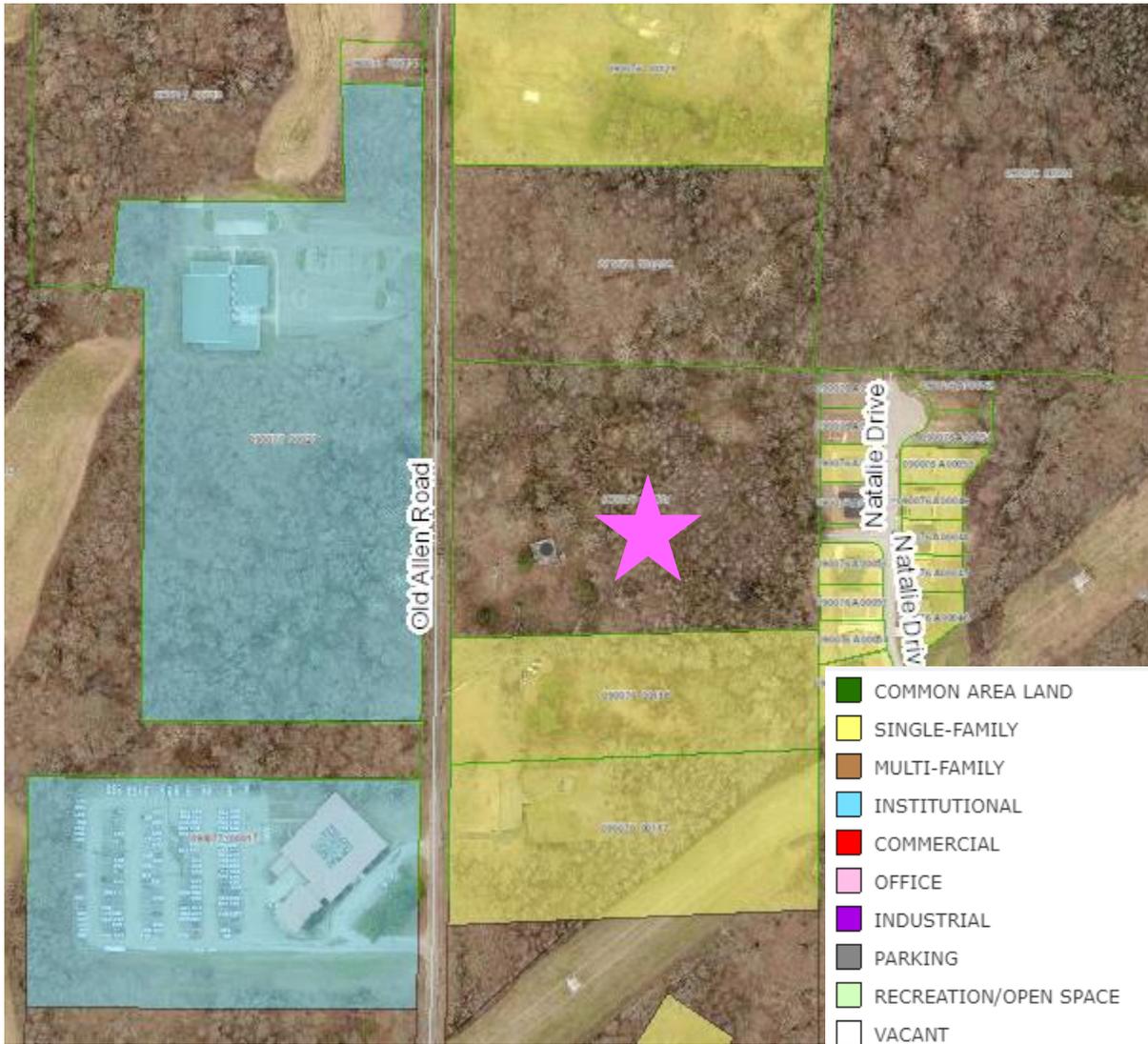
**North:** Single Family Residential – 6 (R-6)

**East:** Urban Residential – 3 (RU-3)

**South:** Single Family Residential – 6 (R-6)

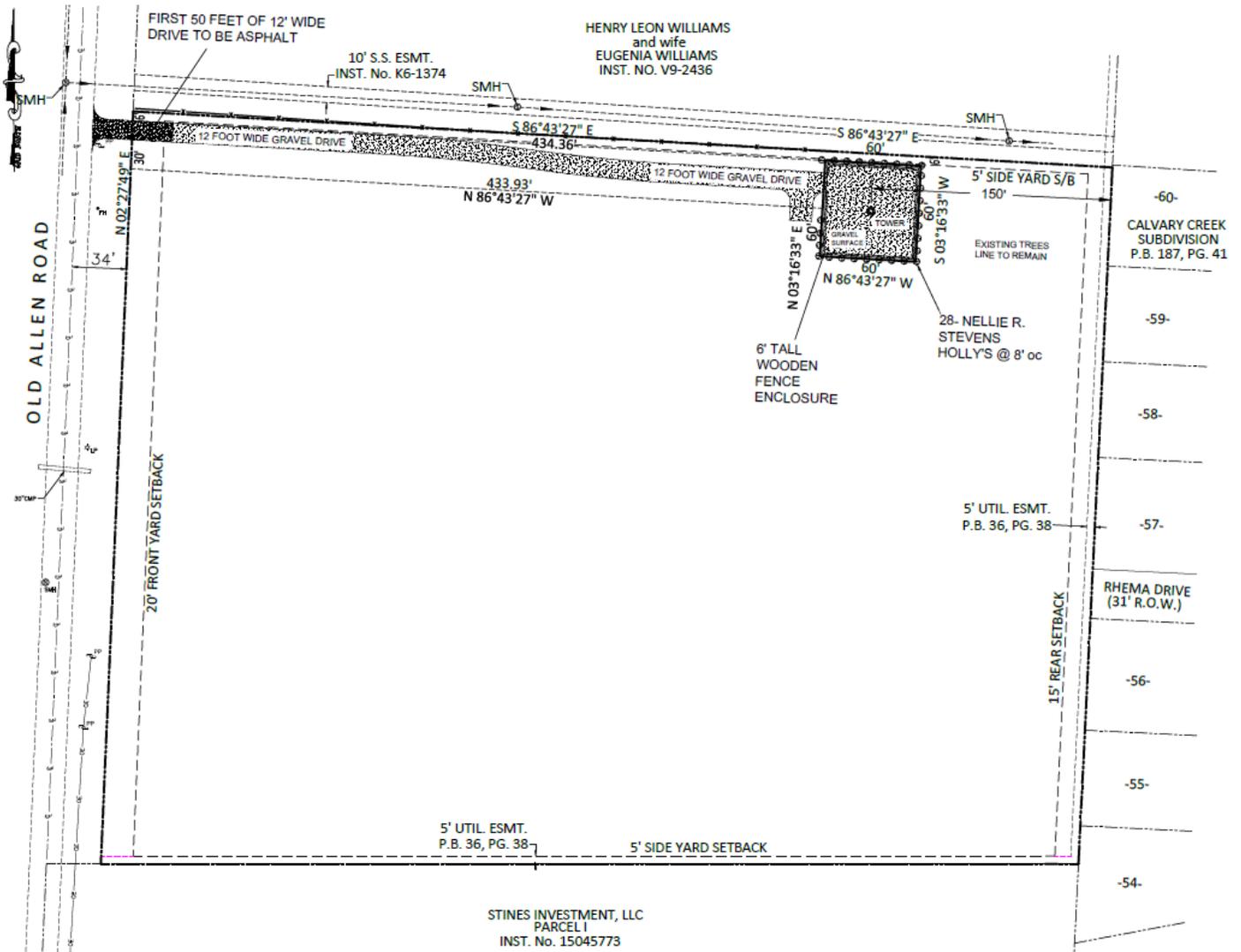
**West:** Single Family Residential – 6 (R-6), Employment (EMP)

**LAND USE MAP**

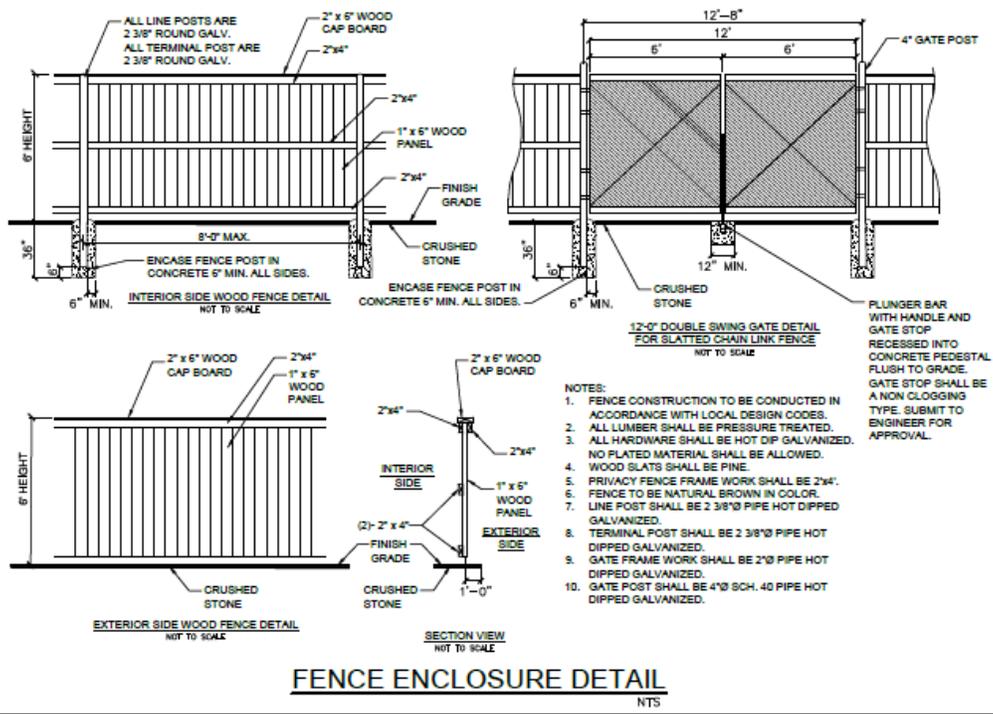


Subject property indicated by a pink star

**SITE PLAN**



**ELEVATIONS**



**FENCE ENCLOSURE DETAIL**

NTS



**170' MONOPOLE**  
**ELEVATION**

NTS

**SITE PHOTOS**



View of subject property facing east on Old Allen Road.



View facing south on Old Allen Rd.



View facing north on Old Allen Rd.

**SURROUNDING AREA PHOTOS**



View of Cunningham Community Center, northwest of subject property.



View of Memphis police station, southwest of subject property.



View of single family home, south of subject property

## **STAFF ANALYSIS**

### **Request**

The application and letter of intent have been added to this report.

The request is for a 180ft. cell tower in the Single Family Residential – 6 (R-6) zoning district. The proposal is to install a 180-foot monopole in a +/- 0.08-acre compound area that is enclosed with a six-foot-tall, sight proof, wooden fence. Nellie R. Stevens Hollies will screen the compound on all sides. The existing tree coverage will remain along Old Allen Rd. The applicant is also requesting to gain access to the site from Old Allen Rd by dedicating a 12ft. drive to lead east into the compound. The first 50 ft. of the drive will be paved with asphalt and the remainder will consist of gravel. There is a proposed maneuver area adjacent to the drive to allow vehicles to turn around on the site.

### **Site Description**

The subject property is a +/-0.08-acre lease compound area of a +/-6.39-acre parcel (090076 00137). The parcel contains a vacant structure and abuts single family residential properties on the east and south and a community center on the west. The compound will be in the northeastern portion of the parcel.

### **Consistency with Memphis 3.0**

Memphis 3.0 does not address CMCS (cell) towers. CMCS towers are regulated by the Telecommunications Act of 1996 (Refer to UDC, Sub-Section 9.6.8H).

### **Approval Criteria**

Staff agrees the approval criteria in regard special use permits as set out in the Unified Development Code Section 9.6.9 are met.

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

**Additional Approval for CMCS tower**

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(2) are met.

**Item 2.6.2I(2)(d) Co-Location – CMCS Towers Only**

1. Any proposed CMCS tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Colocated CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
2. Nothing in these rules and regulations shall obligate the owner of an existing CMCS tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

The proposed cell tower is a 180ft. monopole and will accommodate six antenna arrays; however, there are only three carriers in the Memphis market due to the merger of Sprint with T-Mobile and Cspire pulling out of the market completely.

**Item 2.6.2I(2)(e) Setbacks**

CMCS facilities shall adhere to the setback requirements of the zoning district in which they lie. In addition, the CMCS tower shall be set back a minimum of 150 feet from any adjacent, habitable single-family residential dwelling existing at the time of the application of the CMCS facility, as measured from the centerline of the proposed CMCS tower to the outer wall of the closest point of the adjacent dwelling. Exceptions to the minimum setback requirements of the zoning district may be permitted through Special Use Review, but not to the minimum 150-foot separation between a CMCS tower and an adjacent single-family residential dwelling.

The proposed cell tower is approximately 628 feet from the closest single-family dwelling and meets all setbacks of the Single Family Residential – 6 zoning district.

**Item 2.6.2I(2)(g) Screening and Fencing**

1. Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required by the Planning Director as necessary. Where the site abuts a residential district, the residential portion of an approved planned development, or public land or streets, a Class III buffer (see Section 4.6.5) shall be established along the side of the abutting property.
2. Security fencing shall be required around the base and guy anchors of any towers.

The proposed compound will be enclosed by a six-foot sight proof, wooden fence. A landscape buffer consisting of Nellie R. Stevens Hollies, planted eight feet on center, will surround the outside of the fence. Since Nellie R. Stevens Hollies typically grow to a height of 20 feet to 30 feet and have a spread of 10 feet to 15 feet, staff believes that the hollies in combination with the sight proof fence satisfies the requirements of a Class III buffer.

The applicant will be required to submit the follow items to the Office of Construction Code Enforcement before any permits are issued:

1. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of

antennas which it can accommodate.

### **Conclusions**

The request is for a cell tower in the Single Family Residential – 6 (R-6) zoning district.

Staff agrees the approval criteria in regard special use permits as set out in the Unified Development Code Section 9.6.9 are met.

Staff agrees the requirements for special use permits for cell towers as set out in the Unified Development Code Paragraph 2.6.2I(2) are met.

The applicant will be required to submit a study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate to the Office of Construction Code Enforcement staff before any permits are issued.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

### **RECOMMENDATION**

Staff recommends approval with conditions.

### **Conditions**

1. A Class III buffer as described in Section 4.6.5 shall be established along the northern, southern, and eastern sides of the compound.
2. The equipment compound shall be screened with a minimum 6-foot-tall, sight-proof, wooden fence along all four sides of the compound.
3. A landscape buffer consisting of Nellie R. Stevens Hollies shall surround the outside of the fence on all sides. Landscape maintenance is the responsibility of the owner of the tower.
4. Required landscaping shall not be placed on sewer or drainage easements.
5. The sectorized antennas shall extend a maximum of 10 feet from the monopole structure.
6. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate shall be submitted to the Office of Construction Code Enforcement staff before any permits are issued.
7. Future modifications to the site plan will note require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.

## **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

### **City/County Engineer:**

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

### **Sewers:**

2. City sanitary sewers are available at developer's expense.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

### **Traffic Control Provisions:**

4. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
5. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
6. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

### **Private Drives:**

7. Identify the drive as "Private".
8. Easements for sanitary sewers, drainage and other required services as indicated on the final recorded plat may be located and utilized within private drives. The City shall not be responsible for street repairs within the private drives, even though the pavement and base may have to be removed to work on sewers or drainage. The responsibility of repairing the private drives shall be that of the owners and/or Property Owners' Association.

### **Curb Cuts/Access:**

9. The City Engineer shall approve the design, number and location of curb cuts.

### **Drainage:**

10. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

**Site Plan Notes:**

11. Prior to recording, the following note shall be placed on the plat:

No permit for construction shall be granted except for the installation of a communications tower. Any other use of this property will require re-recording of the plat, the payment of sewer development fees and the installation of the sewer connection to this property.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:**

Water Quality Branch & Septic Tank Program:

- No comments.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:**

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

Land and Mapping-Address Assignment:

**Office of Resilience:**

- No comments at this time.

**APPLICATION**



*Memphis and Shelby County*  
*Office of Planning and Development*  
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR SPECIAL USE PERMIT  
APPROVAL/AMENDMENT**

Date: 07/09/2019

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: Authur David Smith Phone #: 901-488-0024

Mailing Address: 9733 Pine Point Cove City/State: Arlington, TN Zip 38002

Property Owner E-Mail Address: davidsmith69@comcast.net

Applicant: TVT I, LLC DBA Tower Ventures Phone # 901-794-9494

Mailing Address: 495 Tennessee Street, Suite: 152 City/State: Memphis, TN Zip 38103

Applicant E- Mail Address: lou@towerventures.com

Representative: Lou Katzerman Phone #: 901-244-4017

Mailing Address: 495 Tennessee Street, Suite: 152 City/State: Memphis, TN Zip 38103

Representative E-Mail Address: lou@towerventures.com

Engineer/Surveyor: Prime Development Group, Inc. C/O Michael Fahy Phone # 901-482-0375

Mailing Address: 7520 Capital Drive, Suite: 200 City/State: Germantown, TN Zip 38138

Engineer/Surveyor E-Mail Address: mfahy@pdg-m.com

Street Address Location: 3690 Old Allen RD Memphis, TN 38128 (Parcel # 090076 00137)

Distance to nearest intersecting street: +/- 1092 FT, south to Frayser- Raleigh Road

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>6.39 AC</u>	_____	_____
Existing Zoning:	<u>R-6</u>	_____	_____
Existing Use of Property	<u>Vacant</u>	_____	_____
Requested Use of Property	<u>180 FT CMCS Tower</u>	_____	_____

**Amendment(s):** Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes  No

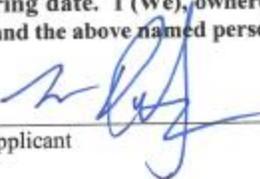
**Unincorporated Areas:** For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: NA Bedrooms: NA

Expected Appraised Value per Unit: NA or Total Project: NA

**Variiances:** If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

 7/11/19  10/1/2019  
Property Owner of Record      Date      Applicant      Date

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 1 Oct. '19 with Brett Davis BwD

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met:      Yes       Not yet   
(If yes, documentation must be included with application materials)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

**9.6.9 Special Use Permit Approval Criteria**

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).

Proposed Site is located on an 6.39 acres tract. Property is bounded by existing natural tree cover. Site carefully chosen to minimize the impact to the neighborhood. The tower would serve the public health and well being by providing reliable wireless coverage.

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

Site meets all applicable Setbacks to residential.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

With over 200,000 daily 911 calls coming form wireless users, the proposed site with function as public safety asset. Tower Sites do not require water of sewer service.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

No. CMCS Towers are heavily regulated in this regard; site will have completed Phase I environmental testing, FAA and FCC compliance and approvals prior to construction.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

Yes, site will kindly comply with all local, state and Federal Cell Tower Requirements and regulations. As noted above, site will comply with UDC Section 2.6.2.1.2.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

No, does nor appear to fall under plans A-AA listed in the UPC Chapter on CMCS Tower regulations.

**LETTER OF INTENT**

**TVT I, LLC - Tower Ventures**

Phone: 901 244-4017  
495 Tennessee Street  
Suite: 152  
Memphis, TN 38103

October 1<sup>st</sup>, 2019

Memphis and Shelby County Office of Planning and Development  
Memphis City Hall  
C/O Mr. Josh Whitehead  
Suite # 468  
125 North Mid-American Mall  
Memphis, TN 38103-2084

RE: (Frayser Allen SUP) Letter of Intent and SUP Conditions for a One Hundred Eighty Foot (180')  
Monopole Communications ("CMCS") Tower at 3712 Old Allen RD, Memphis, TN 38128  
(Parcel ID #090076 00137)

Dear Mr. Whitehead:

TVT I LLC (Tower Ventures), 495 Tennessee Street, Suite: 152 Memphis, TN 38103 proposes to construct a one hundred Eighty Foot (180') CMCS tower at 3712 Old Allen RD (Parcel ID #090076 00137) Memphis, TN 38128. The tower will be a Monopole design. It will be built to support cellular communications and wireless data services. Per the UDC, the tower will be designed to support six (6) antenna arrays. The tower will be equipped with a climbing apparatus.

Site equipment will be placed in a Lease area of 60' x 60'. A 6' (six foot) wooden fence will be constructed around the lease area to conceal the ground equipment. The Compound Gates will be chain link with concealment slats. We are proposing building landscape screens on all four sides of the Tower site (save for the gated area). The proposed tower is to be located on a large parcel that is surrounded by heavily wooded lots on all sides.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, considering, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TVT I, LLC Tower Ventures, appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 244-4017 if you have any questions concerning this application. Many thanks.

Sincerely,

  
Lou Katzerman  
Site Acquisition and Zoning Manager  
TVT I, LLC - Tower Ventures  
[lou@towerventures.com](mailto:lou@towerventures.com)

**SIGN AFFIDAVIT**

**Sign Affidavit for S.U.P. Case Number: 19-34**

County of Shelby  
State of Tennessee

I, Lou Katzerman, being duly sworn, depose and say that at approximately 1.30pm on the 2nd day of November 2019 I posted one (1) Public Notice Sign pertaining to Case No. SUP 19-34 at 3690 (Old) Allen RD (Parcel ID #090076 00137), providing notice of a Public Hearing before the Memphis/Shelby County Land Use Control Board (Hearing on November 14<sup>th</sup>, 2019) for consideration of a proposed SUP/CMCS Tower Request and one (1) photograph of the sign.



TVT I, LLC (Tower Ventures), Applicant  
Louis Katzerman, Zoning Manager

11/4/2019  
Date

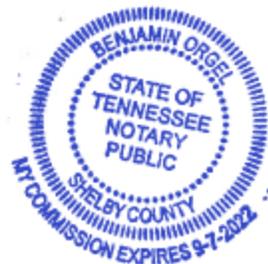
Subscribed and sworn to before me this 4<sup>th</sup> day of November 2019.



Notary Public

My Commission Expires:

\_\_\_\_\_



**LETTERS RECEIVED**

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

2764 Lake Crest Circle  
Memphis, TN 38127

November 4, 2019

Somer Smith, City Planner  
Memphis and Shelby County Office of Planning and Development  
125 N. Main Suite 468  
Memphis, TN 38103

Re: SUP 19-34 (Tower Ventures)

Dear Somer Smith:

We, Henry & Eugenia Williams, are the property owners of Parcels 090-0760-0-00120-C; 4.73 Acres that is coded as Residential Zone for Oak Mound Subdivision. Our plans for development is for 2022. We anticipate on building quality homes to service the citizens of Frayser, and also, serve as our retirement supplement income. We purchased this property in 1986 for that purpose. **However, this will not be possible if a cell tower is placed on or near our property.**

According to research, the cell tower projects Radio Frequency waves (RF). As people use cell phones to make calls, signals are transmitted back and forth to the base station. The RF waves produced at the base station are given off into the environment, where people can be exposed to them <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>. Therefore, we are not willing to take the risk of the lowest amount of radiation being problematic for our proposed tenants in 2022. Neither, would we wish to have our tenants subjected to a base-tower standing up to 200 feet and over-shadowing their private lawn space.

We were approached by Mr. Smith via phone and followed up with a letter last year with an offer to rent our property for \$500.00 per month. We made it perfectly clear that we were not interested and explained that we had plans to build in the near future, and could not honor his request. **Therefore, we pray that the Memphis & Shelby County Land Use Control Board, hear and understand what is at stake (decrease in property value and potential health risk) and reject placing a tower in our residential area.**

Sincerely,

Henry Williams

Eugenia Williams