

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, September 8, 2025
Municipal Building — Glosserman Room
308 W. San Antonio St.**

AGENDA

1. Call meeting to order.
2. Citizen comments not related to a public hearing item.
3. Consider the minutes of the August 4, 2025 meeting.
4. **ZV-25-05.** Hold a PUBLIC HEARING and consider a request by Joe Coyle with Pyramid Network Services, LLC, on behalf of the Lockhart Gin Company, for a Variance to Chapter 64 "Zoning", Lockhart Code of Ordinances, Section 64-197(g)(1)(e)(2) and Section 64-202(h)(j), to allow a reduction in the minimum required building setbacks which should be equal to the height of the tower and twice the height of the tower from any residential dwelling or residential zoning district, and to waive the requirement for an all-weather surface for the parking pad and driveway, on part of Lot 1 and 2, Block 35, Original Town of Lockhart, consisting of 1.37 acres, zoned IH (Industrial Heavy), and located at 210 North Brazos St.
5. Discuss the date and agenda of the next meeting.
6. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 2:00 p.m. on the 3rd day of September, 2025.

**CITY OF LOCKHART
ZONING BOARD OF ADJUSTMENT
AUGUST 4, 2025**

MINUTES

Members Present: Laura Cline, Wayne Reeder, Mike Annas, Lori Rangel, Arnold Proctor, Patrick Stroka, Lucy Knight

Member Absent: Shawn Martinez

Staff Present: Kevin Waller, David Fowler, Christine Banda

Others Present: Cori Wilbanks (applicant, Agenda Item 4), Matthew Ross, Donna Blair, Mike Willette

1. Call meeting to order. Chair Cline called the meeting to order at 6:35 p.m.
2. Citizen comments not related to a public hearing item. None
3. Consider the minutes of the July 7, 2025 meeting.

Member Annas moved to approve the July 7, 2025, minutes. Member Reeder seconded, and the motion passed by a vote of 7-0.

4. FV-25-02. Hold a PUBLIC HEARING and consider a request by Cori Wilbanks for a Variance to Lockhart Code of Ordinances, Chapter 12 "Buildings and Building Regulations", Article VIII "Fences", Section 12-490(3), to allow a 7-foot-tall fence, with 100 % opacity, within the front yard building setbacks, resulting in a setback reduction from 25 feet to zero feet, in the M.M. Blanks Addition, Block 5, Lots 3 through 8 and 11 through 16, consisting of 2.07 acres, zoned RLD Residential Low Density, and located at 1125 Magnolia Street. Section 12-490(3) limits fences within the minimum front yard building setback area, being 25 feet in the RLD zone, to no more than four feet in height; said fencing must not block more than 50% of the view through the fence; and the fencing must be an element of landscaping constructed of a material approved by the Building Official.

Planning Staff Kevin Waller came forward with the staff report which consisted of location maps of the property along with photos of the neighborhood. He explained that the variance is coming before the members because the property has two street sides which the City's ordinance views as having two front building setbacks. The applicant supplied examples of the proposed wall fencing with vegetation on it to make it attractive. Mr. Waller stated that there were eight letters of support received and one letter in opposition. He explained that Staff found the variance criteria was not met therefore, staff recommends denial of the variance.

Member Knight voiced her opinion that she did not see two front yards and that this home was unique in the neighborhood.

Mr. Waller pointed out Chapter 52-76 (f) of the subdivision regulations where it is stated.

Chair Cline asked if the side yard along Leona Street was okay and if the material they were proposing for the fence was allowed.

Mr. Waller agreed the material was allowed and that the side yard was okay to place the fence on the property line.

Member Annas asked if the pool they are installing met the front yard building setbacks.

Mr. Waller replied that Staff reviewed the building permit and that the pool met building setbacks.

Chair Cline opened the public meeting and asked for the applicants to come forward.

The applicants Matthew Ross and Cori Wilbanks approached.

Mr. Ross stated that they wanted to restore the neglected home. They are adding a pool, they have added two Koi ponds, a fountain, and a flower garden to the property. To keep the added items safe on their property they feel this proposed fencing would accomplish that. The proposed fence would be aesthetically pleasing once completed and it would match the renovation of the home. The fence would add privacy to the property and help with noise when there are gatherings.

Ms. Wilbanks added that they want the community to come by and enjoy the property. If they install the fence in the allowed building yard setbacks it would just make it look out of place.

The applicants supplied their reasonings to meet the variance criteria.

Chair Cline asked for any other speakers in favor to please come forward.

Mike Willette of 1122 Magnolia stated that the property is right across from his home. He is in favor of the fence which will match the décor of the home.

Member Stroka stepped away from the meeting at 7:38 p.m.

Donna Blair of 1105 Spruce Street believes the home is unique and is in favor of the proposed fence.

Susan Levine of 1130 Spruce Street stated that she was not against the fence but was here to express concern about visibility at the intersections near the property and people having trouble seeing oncoming traffic or the stop signs.

The applicants voiced that they would be following the required sight triangle regulations to avoid any visibility issues.

Chair Cline closed the hearing after seeing no other speakers.

The members took a 5-minute break at 7:42 p.m.

Member Stroka arrived back at the meeting at 7:46 p.m.

Chair Cline reopened the meeting at 7:47 p.m. for Board discussion.

Member Proctor suggested that the Board skip the first variance criterion and not consider it because the home is unique. He believed all other variance criteria were met and that the main issue to consider is safety.

Chair Cline was adamant that there were not two front yards to look at only one rear yard and one front yard and disagreed with the City's ordinance. The Board should allow the proposed fencing material and height along Orange Street and Leona Street. The front yard along Magnolia Street should have some conditions.

Member Proctor moved to approve FV-25-02 with a condition to the front yard along Magnolia Street. The applicant can place a two ½ foot wall with 50 % opacity fence above that height, to not exceed seven feet in total height. Member Stroka seconded, and the motion passed by a vote of 7-0.

5. Discuss the date and agenda of the next meeting.

Mr. Waller stated that the next regularly scheduled meeting would be held on September 8, 2025. The deadline for applications is Monday, August 18th.

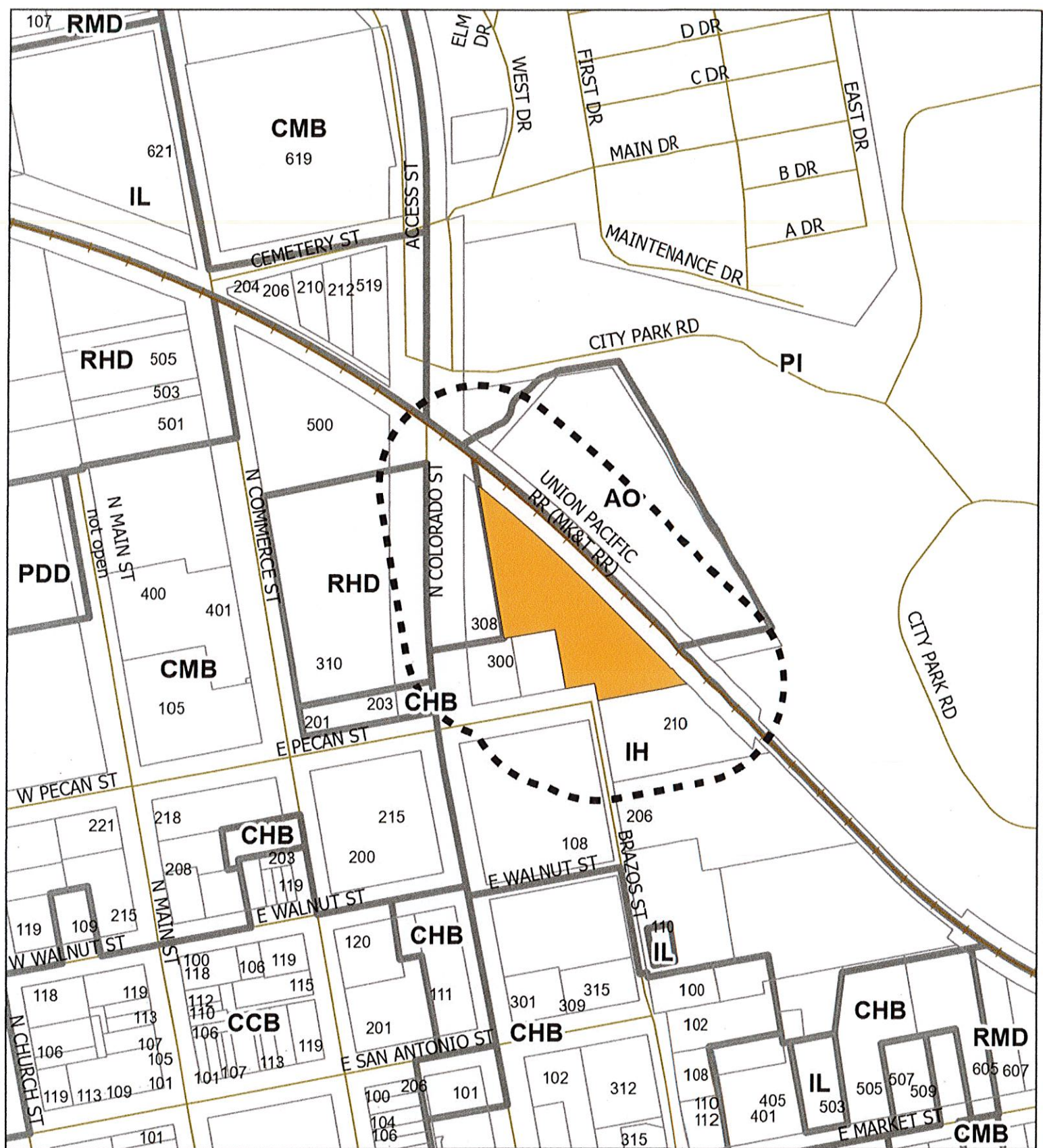
6. Adjournment.

Member Stroka moved to adjourn the meeting, and Member Annas seconded. The motion passed by a vote of 7-0, and the meeting adjourned at 8:05 p.m.

Approved: _____
(Date)

Christine Banda, Recording Secretary

Laura Cline, Chair



ZV-25-05

210 N BRAZOS ST

SETBACK REDUCTION &
DRIVEWAY/PARKING AREA MATERIAL



SUBJECT PROPERTY

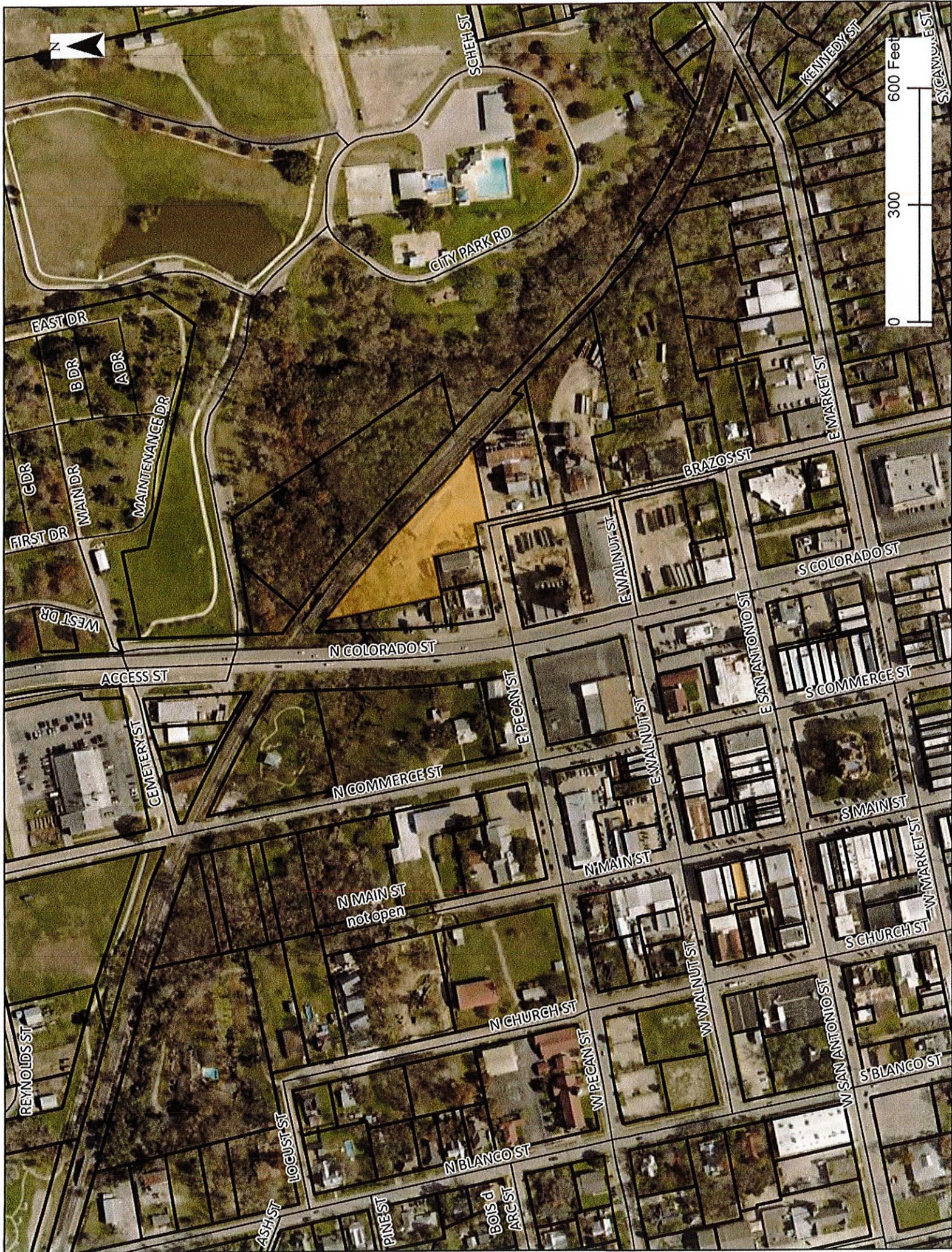


ZONING BOUNDARY



200 FT BUFFER

Scale 1" = 300'



PLANNING DEPARTMENT REPORT

ZONING VARIANCE

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *kw*

CASE NUMBER: ZV-25-05

REPORT DATE: September 2, 2025

PUBLIC HEARING DATE: September 8, 2025

APPLICANT'S REQUEST: Variance to Chapter 64, Sections 64-197(g)(1)(e)(2), 64-202(h), and 64-202(j) to allow a reduction in the minimum setbacks/fall zone to the west and east property lines, a reduction in the minimum distance to the nearest residential zoning district, and to allow a driveway and parking area that does not meet the paved City standards, for a proposed wireless telecommunications facility

STAFF RECOMMENDATION: ***Denial of the setback reductions and driveway/parking area material***

BACKGROUND DATA

APPLICANT: Joe Coyle, Pyramid Network Services, LLC

OWNER: Lockhart Gin Co., c/o Allen Pooley

SITE LOCATION: 210 N. Brazos St.

LEGAL DESCRIPTION: Parts of Lots 1 and 2, Block 35, Original Town of Lockhart

SIZE OF PROPERTY: 1.37 acres

EXISTING USE OF PROPERTY: Existing commercial/industrial building

ZONING CLASSIFICATION: IH (Industrial Heavy)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: The applicant proposes a 110-foot-tall wireless telecommunications facility on the north portion of the subject property, which, it is explained, will provide needed capacity and service to both governmental agencies and the general public. According to the submitted site plan and other application materials, the tower will be located 46 feet from the west property line and 77 feet from the east property line, which is also the western boundary of the railroad right-of-way/easement. For reference, the tower distance to the actual railroad tracks is approximately 107 feet. In addition, Staff has found that the closest residential zoning district, being the Residential High Density (RHD) zone, is located approximately 178 feet from the proposed tower. Section 64-202(j) of the Zoning Ordinance establishes that a freestanding tower "...shall be set back from all boundaries of the property on which it is located by a distance equal to the height of the tower, and shall be set back from any residential dwelling or residential zoning district a distance equal to twice the height of the tower, as measured from the base of the main tower structure." The tower will therefore encroach 64 feet into the setback from the west property line, 33 feet into the setback from the east property line, and approximately 42 feet into the 220-foot setback (twice the tower height) from the RHD zoning district to the west. A variance is also requested from the paved City standards (Sections 64-197(g)(1)(e)(2) and 64-202(h)) for the access driveway from the North Brazos Street/East Pecan Street intersection to the proposed tower site, including the parking area. Both the driveway and parking area are proposed to consist of compacted crushed rock (gravel). A copy of the site plan is included with your agenda packet materials, as well as photos from three downtown locations demonstrating that the tower will not be visible from the historic County Courthouse or adjacent streets (Section 64-202(g)), among other relevant materials.

AREA CHARACTERISTICS: The subject property is located within an area of mixed commercial and industrial uses, east of North Colorado Street and north of the downtown area. The parcel to the east of the subject property, across the railroad tracks, is also owned by the applicant, is zoned AO (Agricultural-Open Space), and is undeveloped. The property to the north, also across the railroad tracks, is zoned PI (Public and Institutional) and also undeveloped. To the west are parcels zoned CMB (Commercial Medium Business) and CHB (Commercial Heavy Business), with the two CHB parcels containing part of the Livengood Feeds operation, and the CMB parcel containing a commercial building. The property to the south is also owned by the applicant, is zoned IH, and is in commercial/industrial use.

UNIQUE CONDITIONS OF PROPERTY: In the applicant's attached responses to the review criteria for the variance to the setback requirements, it is explained that the shape and size of the property, along with the location of long-standing structures, limits the siting options for the proposed tower and thereby creates conditions unique to the property. As to the variance request to the driveway and parking area material, the applicant explains that the existing gravel surface on the property, combined with the infrequent trips for monitoring and maintenance of the tower (approximately 6 times per year), presents conditions unique to the property. Staff does not find that these conditions, however, are sufficient to warrant approval of a variance. There are no physical conditions of the property that would necessitate a gravel driveway, in place of the required concrete or asphalt surface. In addition, there is already an active use of the property, in the form of a functioning commercial/industrial building on the east side of the property. Any denial of the variance requests would therefore not deprive the property of reasonable economic use.

NATURE OF HARDSHIP: Neither increased financial gain nor reduced financial hardship to the applicant would result from the approval of the setback elements of the variance. Although a reduced financial hardship could be considered a factor of the proposed variance to the driveway and parking area material, which would result in a cost savings for the access component of the project, the financial element is not the sole reason for this variance. The applicant explains the primary reasons for the driveway variance as being the existing gravel surface of the property and infrequency of personnel visits to the tower, as previously discussed. It should be noted that there would be increased financial gain for the property owner, who would monetarily benefit from the leasing of the tower site to the applicant. Staff, however, does not believe that there is a practical hardship associated with any denial of the variance requests, as the property is currently in active commercial use, and the applicant would be merely leasing a portion of the existing commercial property.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: The tower's location within the required setbacks to the west and east property lines, within the setback to the RHD zoning district to the west, and the proposed gravel driveway and parking area, are not expected to result in adverse impacts to surrounding properties or public health and safety. According to an engineer's letter submitted by the applicant, the tower will be designed such that any failure or collapse would occur within a 40-foot fall-zone radius, and would not affect surrounding properties or structures. It should also be noted that this fall zone, being located entirely on the subject property, should not impact the railroad tracks that are located immediately to the east. With regard to the driveway and parking area, the applicant reiterates that the existing gravel surfaces on the property and surrounding properties, as well as the infrequent nature of trips to the site by tower personnel, will not adversely impact surrounding property or public health and safety.

COMPLIANCE WITH VARIANCE CRITERIA: In order to approve a variance, the Board must find that the request meets all 6 of the criteria outlined in Section 64-129(a) of the Zoning Ordinance. The applicant submitted the enclosed written explanation as evidence in support of the variance requests. Staff believes that the variance requests to both the setback reductions and driveway/parking area material be denied, as further detailed below.

ALTERNATIVE SOLUTIONS: An alternative solution, however impractical, would be to drastically reduce the height of the tower such that it does not encroach upon the height-based setbacks to all property lines, and/or to simply pave the proposed driveway and parking area, both of which would then negate the need for a variance but result in a tower woefully inadequate for its intended use.

PRECEDENT: The Board approved a similar variance request (ZV-04-04), with regard to the setbacks element, for a 190-foot-tall tower constructed by Bluebonnet Electric Cooperative in 2004-2005, located at 1919 Borchert Dr. This approval, being 20 years ago, is not likely to set a precedent for the current request. It should be noted that variances are considered strictly on a case-by-case basis.

RESPONSE TO NOTIFICATION: None, as of the date of this report.

STAFF RECOMMENDATION RATIONALE: Staff recommends denial of the variance requests, to include the setbacks to the west and east property lines, the setback to the RHD zoning district to the west, and to allow the proposed gravel material for the driveway and parking area, as these requests do not meet all 6 of the variance review criteria. The applicant explains that the longstanding gravel surface of the subject property and surrounding properties, in addition to the infrequent visits to the site by tower personnel, warrant approval of the driveway/parking area variance. As to the setbacks variance, the applicant cites the shape and size of the property, in addition to the location of nearby structures, as grounds for approval, in addition to the 40-foot fall-zone radius in the event of the tower's collapse. While Staff appreciates that any failure of the tower should not impact surrounding properties or structures, the comprehensive information and materials presented by the applicant are not grounds for a variance. There are no physical constraints of the property that would preclude the utilization of a concrete or asphalt surface driveway material as required in Section 64-202(h), and denial of the variance requests does not remove the economic value from the property, which is already in active commercial/industrial use.

payment of taxes and assessments, or breaches any other obligation or covenant under this Lease, Tenant may (without obligation), after providing ten (10) days written notice to Landlord, make such payment or perform such obligation on behalf of Landlord. The full amount of any costs so incurred by Tenant (including any attorneys' fees incurred in connection with Tenant performing such obligation) shall be paid by Landlord to Tenant with interest at the statutory rate thereon. Tenant shall also have the right to deduct the full amount of the payment or taxes paid by Tenant on Landlord's behalf from future installments of Rent.

(b) Tenant will pay Landlord any increase in real property taxes that is directly and solely attributable to improvements to the Premises made by Tenant. Within ninety (90) days after receipt of evidence of Landlord's tax payment and evidence of a tax increase due to the improvements of the Premises made by Tenant, Tenant will pay to Landlord any increase in real property taxes which Landlord demonstrates, to Tenant's satisfaction, is directly and solely attributable to any improvements to the Premises made by Tenant.

5. USE.

(a) The Premises are being leased for the purpose of erecting, installing, operating and maintaining a wireless communications facility, including but not limited to radio and communications towers and associated equipment, ("Communications Facility"). Tenant may make any improvement, alteration or modification to the Premises as are deemed appropriate by Tenant. Tenant shall have the exclusive right to install upon the Premises communications towers, buildings, equipment, antennas, dishes, fencing and other equipment Tenant desires to safeguard or restrict access to its Communications Facility, and other accessories related thereto, and to alter, supplement, and/or modify same as Tenant may desire. Tenant shall have the right to replace, repair, add or otherwise modify its communications equipment, tower structure, antennas, conduits, fencing and other screening, or other improvements or any portion thereof and the frequencies over which the communications equipment operates, whether or not any of the communications equipment, antennas, conduits or other improvements are identified in this Lease.

(b) Landlord grants Tenant the right to clear all trees, undergrowth, or other obstructions and to trim, cut and keep trimmed and cut all tree limbs, which may interfere with or fall upon the Communications Facility or Premises. Landlord grants Tenant a non-exclusive easement in, over, across and through other real property owned by Landlord as reasonably required for construction, installation, maintenance, and operation of the Communication Facilities. In the event that the tower to be constructed by Tenant on the Premises is a guyed tower, Landlord also grants Tenant an easement in, over, across and through Landlord's real property for the installation and maintenance of and reasonable access to the guy wires and guy wire anchors. Tenant will keep and maintain the Premises in good condition, reasonable wear and tear and casualty damage not caused by Tenant excepted. If at any time during the term of this Lease, the Federal Aviation Administration, Federal Communications Commission, or other governmental agency changes its regulations and requirements, or otherwise takes any action, the result of which inhibits Tenant's use the Premises, or any communications tower located thereon, for the purposes originally intended by Tenant, or if technological changes render Tenant's intended use of the Premises obsolete or impractical, or if Tenant otherwise determines, in its sole and absolute discretion, with or without cause, that the Premises is no longer suitable or desirable for Tenant's intended use and/or purposes, Tenant shall have the right to terminate this Lease upon written notice to Landlord.

6. ACCESS AND UTILITIES.

(a) At all times during the Testing Period and the Term of this Lease, Tenant, and its guests, agents, customers, lessees, and assigns shall have the unrestricted, exclusive right to use, and shall have free access to, the Premises seven (7) days a week, twenty-four (24) hours a day. Landlord for itself, its successors and assigns, hereby grants and conveys unto Tenant, its subtenants, licensees, employees, agents, invitees, successors and assigns a nonexclusive easement for ingress and egress, as well as for the construction, installation, operation and maintenance of overhead and underground electric and other utility (including fiber) facilities (including wires, poles, guys, cables, conduits and appurtenant equipment), with the right to reconstruct, improve, add to, enlarge, change and remove such facilities, over, across and through any easement for the benefit of and access to the Premises, subject to the terms and conditions herein set forth. The rights granted to Tenant herein shall also include the right to partially assign its rights hereunder to any public or private utility company or authority to facilitate the uses contemplated herein, and all other rights and privileges reasonably necessary for Tenant's safe and efficient use and enjoyment of the easement for the purposes described above.

OWNER AUTHORIZATION

(b) Landlord represents that Landlord has no knowledge of any fact or condition that could result in the termination or reduction of the current access from the Premises to existing highways and roads, or to sewer or other utility services serving the Premises.

(c) Landlord represents that the Premises abuts on and has direct vehicular access to a public road, or has access to a public road via a permanent, irrevocable, appurtenant easement benefiting the Property.

7. EQUIPMENT, FIXTURES AND SIGNS. All improvements, equipment or other property attached to or otherwise brought onto the Premises shall at all times be the personal property of Tenant and/or its subtenants and licensees. Tenant or its customers shall have the right to erect, install, maintain, and operate on the Premises such equipment, structures, fixtures, signs, and personal property as Tenant may deem necessary or appropriate, and such property, including the equipment, structures, fixtures, signs, and personal property currently on the Premises, shall not be deemed to be part of the Premises, but shall remain the property of Tenant or its customers. At any time during the term of this Lease Tenant shall have the right to remove its equipment, structures, fixtures, signs, foundation to 3' below grade, and personal property from the Premises. Tenant shall maintain a removal bond during the full term of this Lease in the amount of \$50,000.00.

8. ASSIGNMENT AND SUBLEASE. Tenant may assign this Lease to any person or entity at any time without the prior written consent of Landlord. After delivery by Tenant to Landlord of an instrument of assumption by an assignee that assumes all of the obligations of Tenant under this Lease, Tenant will be relieved of all liability hereunder. Tenant shall be entitled to, and shall have the exclusive right to, sublease or grant licenses to use the Premises and/or the radio tower or any structure or equipment on the Premises without the prior written consent of Landlord, but no such sublease or license shall relive or release Tenant from its obligations under the Lease. Landlord may assign this Lease, in whole or in part, to any person or entity who or which acquires fee title to the Premises and who or which agrees to be subject to and bound by all provisions of this Lease. Except for the foregoing, assignment of this Lease by Landlord must be approved by Tenant, in Tenant's sole discretion.

9. APPROVALS.

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises and Property for the permitted use described in Section 5 and Tenant's ability to obtain and maintain all Government Approvals. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for the Permitted Use and agrees to reasonably cooperate with and assist Tenant with such applications and with obtaining and maintaining the Government Approvals.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of its choice.

(c) Tenant may also perform and obtain, at Tenant's sole cost and expense, soil borings, percolation tests, engineering procedures, environmental investigation or other tests or reports on, over, and under the Property, necessary to determine if Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system, design, operations or Government Approvals.

10. WARRANTIES AND REPRESENTATIONS.

(a) Landlord warrants and represents that it is the owner in fee simple of the Premises, free and clear of all liens and encumbrances except as to those which may have been disclosed to Tenant, in writing prior to the execution hereof, and that it alone has full right to lease the Premises to Tenant as set forth in this Lease. Landlord further represents and warrants that Tenant, on paying the rent and performing its obligations hereunder, shall peaceably and quietly hold and enjoy the Premises for the Term of this Lease. During the Testing Period and the Term, Landlord warrants that it will not grant, create, or suffer any claim, lien, encumbrance, easement, restriction, or other charge or exception to title to the Premises (an "Encumbrance") without the prior written consent of Tenant, which may be withheld by Tenant in Tenant's sole discretion. Notwithstanding the foregoing, Landlord may subject its interest in the Premises to a first mortgage lien provided, however, Landlord shall obtain for Tenant's benefit a non-disturbance and attornment agreement from the mortgage lender in the form satisfactory to Tenant. With regard to any existing Encumbrance, Landlord covenants and agrees that, upon the request of Tenant, Landlord shall use its best efforts to

OWNER AUTHORIZATION



August 18, 2025

To: Mr. Kevin C. Waller, AICP, City of Lockhart

From: Joe Coyle, Pyramid Network Services on behalf of CitySwitch

RE: Request for Variance: Code of Ordinances Section 64-202 (Tower Setbacks)

Dear Mr. Waller:

Please see below for our responses to the six variance conditions as outlined in Section 64-129 (a)

1. The variance arises from such condition that is unique to the property in question, where such condition was not created by an action of the property owner, occupant or applicant.

The Facility is to be located in the IH district where towers are permitted by right as long as the conditions of Section 64-202 are met. The Facility meets all conditions of Section 64-202 except for the setback requirements to the eastern and western property lines. The Property is a unique size and shape, has existing structures, and existing business operations which limit the availability of space for the Facility as shown on the enclosed Site Drawings at Exhibit 2. None of the existing conditions are a result of the actions of the applicant.

2. The particular physical surroundings, shape, or topographical condition within or adjacent to the property would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provision in question were literally enforced.

A literal interpretation of these requirements will deprive the Applicant of rights enjoyed by applicants for towers on other IH zoned properties and would be an unnecessary hardship on the applicant. Communications towers are an integral part of our critical telecommunication infrastructure and are a benefit to the public good. For the vast majority of us, cell phones have replaced landlines as our primary source of personal communications. In the case of emergencies, cell towers are invaluable governmental entities and citizens alike. The location of this proposed tower on this industrial parcel will improve coverage and capacity in the area and lessen the need for cell towers to be located in other, more aesthetically-sensitive areas of the City.

3. The request for a variance is not based exclusively upon a desire of the owner or occupant for increased financial gain from the use of the property, or to reduce a personal financial hardship.

The variance is not being sought for increased financial gain from the use of the property or to reduce a personal financial hardship, but instead to construct a wireless facility that will increase wireless connectivity and telecommunications infrastructure in the City.



4. The variance will not alter the essential character of the zoning district within which the property is located, and is in harmony with the intent and purposes of the zoning ordinance.

The variance will not alter the essential character of the zoning district within which the property is located and is in harmony with the intent and purposes of this chapter. The proposed facility is to be located on property that is used for industrial purposes, and near other such purposes, and is located away from residential uses.

The requested variance for the proposed Facility is in harmony with the Ordinance's intent to locate towers outside of residentially zoned areas and be harmonious and not injurious to the surrounding area. The proposed Facility will consist of a 105' monopole tower with a galvanized steel finish which is the least visually obtrusive tower type and will be setback greater than twice tower height from all adjacent residential properties.

5. The granting of the variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same zoning district.

To mitigate safety concerns, the tower has been designed such that in the unlikely event of tower failure, the monopole will buckle at the location of the highest stress resulting in the failed portion of the tower leaning over and remaining in a permanently deformed condition with an effective fall-zone radius of 40' or less as certified in that Engineering Letter at Exhibit 3. The fall-zone radius would be entirely contained on the Property and will not endanger any adjacent properties or any surrounding structures. In addition, the Property is zoned industrial, and all adjacent properties are either industrial or commercial in nature and the reduction in setback will not affect any residential properties.

6. The degree of variance requested is the minimum amount necessary to allow a reasonable use of the property.

The variance requested is the minimum amount necessary to allow a reasonable use of the property. Movement of the tower elsewhere on the property is not feasible due to the existing use of the property, and movement of the tower to the east would move it closer to a public right-of-way and increase the amount of other variances that would need to be sought.



August 18, 2025

- Driveway Material
- Parking Area Material

To: Mr. Kevin C. Waller, AICP, City of Lockhart

From: Joe Coyle, Pyramid Network Services on behalf of CitySwitch

RE: Request for Variance: Code of Ordinances Sections 64-202(h) and 64-197(g)(1)(e)(2)

Dear Mr. Waller:

Please see below for our responses to the six variance conditions as outlined in Section 64-129 (a)

1. The variance arises from such condition that is unique to the property in question, where such condition was not created by an action of the property owner, occupant or applicant.

The driveways and parking lots on the subject property and surrounding properties have existed in their current condition for many years. The current hard-packed gravel material on the subject property has served its intended purpose well, which is the ingress and egress of large, heavy vehicles from a public street. The construction of this project will be completed in approximately four months and require limited access to the property during that time. A unique condition of this project and the use of this commercial property is that after the telecommunications facility's construction is complete, the only visitors to the unmanned facility will be technicians in a standard pickup truck or SUV, approximately six times per year for approximately one hour per visit. This hard-packed gravel road allows for an appropriate location on the premises where a standard pickup truck or SUV will be parked to facilitate normal maintenance of the facility. Code Sec. 64-202(h). This unique condition of infrequent use does not warrant installing and maintaining an impervious surface. This parcel is somewhat isolated on the edge of an industrial and commercial area, which is a primary reason this site was selected. Further, there are adjacent businesses that have the same driveway surface as the subject property. The literal enforcement of the ordinance requiring access to a telecommunications facility over a concrete or asphalt surface would cause an inequity with respect to the surrounding similarly situated properties.

2. The particular physical surroundings, shape, or topographical condition within or adjacent to the property would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provision in question were literally enforced.

The current condition of the access route contains hard packed gravel, which has been in place for several years. Within our plan, we will be making surface improvements by installing new gravel. There are little to no terrain challenges from the public ROW along E. Pecan Street, through the property to the proposed site location. The ground elevation stays consistent to where a gravel driveway would be sufficient and stable for ingress or egress from a public street to a wireless facility.



3. The request for a variance is not based exclusively upon a desire of the owner or occupant for increased financial gain from the use of the property, or to reduce a personal financial hardship.

The variance is not being sought for increased financial gain from the use of the property or to reduce a personal financial hardship, but instead to reasonably continue to use the property's driveways and lots without adding a different paved surface over the top of the existing surface that has been used for the past several years without any issues.

4. The variance will not alter the essential character of the zoning district within which the property is located, and is in harmony with the intent and purposes of the zoning ordinance.

The variance will not alter the essential character of the zoning district within which the property is located and is in harmony with the intent and purposes of this chapter. The proposed facility is to be located on property that is used for industrial purposes, and near other properties with similar uses and purposes (e.g., industrial and commercial). Further, the current property is not located near residential uses. The requested variance is in harmony with the ordinance's intent to provide safe and reliable access to commercial uses such as a telecommunications facility from a public street.

5. The granting of the variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same zoning district.

There will be no adverse effects to public health or safety. The surrounding conforming properties in the district have similar gravel driveways and parking lots. The infrequent visits to the tower site will not create any public nuisances, such as dust, noise, odors, or increase to traffic.

6. The degree of variance requested is the minimum amount necessary to allow a reasonable use of the property.

Continuing use of the existing driveway conditions is reasonable and the minimum amount necessary to continue the existing and new use of the property. We are not asking to expand the current driveway footprint, cause unreasonable traffic increases, or encroach in any way on the neighbors' enjoyment of their properties. The hard packed gravel surface is allowed for long-term storage of vehicles (Sect. 64-197(g)(1)(f)(3)). The applicant's use of driving one passenger vehicle to the site every two months and parking at the site for approximately one hour does not significantly change the nature of the existing uses of the property.

CITY SWITCH



CITY SWITCH SITE NAME:
LOCKHART
CITY SWITCH SITE ID:
TXC062
SITE ADDRESS:
210 N. BRAZOS ST.
LOCKHART, TX 78644

REV	DESCRIPTION	BY	DATE
A	FOR REVIEW ONLY	KMM	05/29/25
B	REVISED	KMM	05/29/25
C	CLIENT COMMENTS	KMM	06/05/25
D	CLIENT COMMENTS	KMM	06/27/25
E	CLIENT COMMENTS	KMM	08/13/25
F	JURISDICTION COMMENTS	KMM	08/13/25

SEAL

CMB TX 7-49817

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TITLE SHEET

SHEET NUMBER
T-1

CITY SWITCH SITE NAME: LOCKHART
CITY SWITCH SITE ID: TXC062
PROJECT TYPE: RAWLAND / NSB
210 N. BRAZOS ST
LOCKHART, TX 78644
CALDWELL COUNTY

CITY SWITCH

COMPLIANCE CODE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED
IN ACCORDANCE WITH THE FOLLOWING CODES AS ADOPTED BY THE LOCAL
GOVERNMENT AUTHORITIES. NOTHING IN THESE PLANS IS
TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO
THESE CODES.

- 2015 INTERNATIONAL BUILDING CODE (IBC)
- 2017 NATIONAL ELECTRIC CODE (NEC)
- LOCAL BUILDING CODE
- CITY/COUNTY ORDINANCES

UTILITY COMPANIES

POWER COMPANY: LOCKHART ELECTRIC
PHONE (512) 376-2475
TELEPHONE COMPANY: TTD
PHONE: TTD

PROJECT SUMMARY

SITE ADDRESS:
210 N. BRAZOS ST
LOCKHART, TX 78644
COUNTY: CALDWELL COUNTY
GEOGRAPHIC COORDINATES:
LATITUDE: 29.87564°
LONGITUDE: -97.670310°
GROUND ELEVATION: 522' AISL

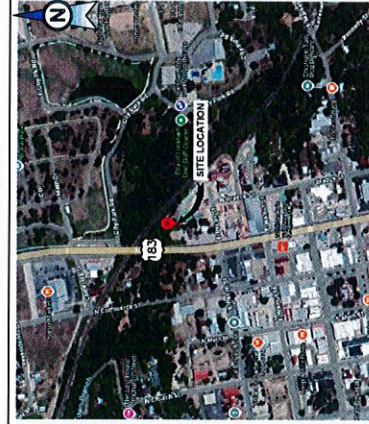
ZONING INFORMATION:
JURISDICTION: CITY OF LOCKHART
ZONING CODE: TTD



VICINITY MAP



LOCATION MAP



PROJECT DESCRIPTION

INSTALLATION OF NEW TOWER, TOWER LIGHTING, EQUIPMENT PAD, CABINETS,
AND RELATED COMMUNICATION EQUIPMENT IN NEW COMPOUND.

PROJECT LOCATION DIRECTIONS

FROM AUSTIN, TX
TAKE TX-111 LOOP / AIRPORT BLVD. TAKE THE RAMP FOR US-183 S / TX-111 LOOP /
AIRPORT BLVD. TAKE THE RAMP ON THE LEFT FOR TX-183 S. KEEP STRAIGHT TO
THE INTERSECTION OF TX-183 S AND TX-130. TURN RIGHT ON TX-130 AND
TOWARD AUSTIN. REVERSE IN THE AIRPORT / BARBERS POINT / TX-130
LEFT TO STAY ON TX-130. TAKE THE RAMP ON THE RIGHT FOR TX-130 SOUTH / TX-45
SOUTH / TX-71 EAST AND HEAD TOWARD BASTROP / SAN ANTONIO. TAKE THE
RAMP ON THE LEFT FOR TX-130 S. TAKE THE RAMP ON THE LEFT FOR
TX-130 S. AT EXIT 100, HEAD RIGHT ON RAMP 100. TAKE THE RAMP ON THE
LOCKHART. ARRIVE AT 308 N. COLORADO ST. LOCKHART, TX 78644.

PROJECT NOTES

- THE FACILITY IS UNMANNED.
- A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR
ROUTINE MAINTENANCE.
- THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR
EFFECT OF STORM WATER DRAINAGE.
- NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED.
- THE PROJECT DEPICTED IN THESE PLANS QUALIFIES AS AN ELIGIBLE
FACILITIES REQUEST ENTITLED TO EXPEDITED REVIEW UNDER 47 U.S.C. §
1605A1 AS A MODIFICATION OF AN EXISTING WIRELESS TOWER THAT INVOLVES
THE INSTALLATION OF NEW COMMUNICATION EQUIPMENT.
- EQUIPMENT THAT IS NOT A SUBSTANTIAL CHANGE UNDER CFR § 1.81000 (B)(7).

PROJECT TEAM

ENGINEER:
JEREMY SHARIT
jsharit@smweng.com
SMW ENGINEERING GROUP INC.
150 BUSINESS CENTER DR.
BIRMINGHAM, AL 35244
JOB# 24-10826
PROPERTY OWNER:
LOCKHART ELECTRIC
PO BOX 720
LOCKHART, TX 78644
APPLICANT:
CITY SWITCH
3715 MONROE PARKWAY
SUITE 1-200
ATLANTA, GA 30327

- See Sheet
Z-2 for
Site Plan -



CITY SWITCH SITE NAME:
LOCKHART
CITY SWITCH SITE ID:
TXC062
SITE ADDRESS:
210 N. BRAZOS ST
LOCKHART, TX 78644

REV	DESCRIPTION	BY	DATE
A	FOR REVIEW ONLY	KMM	05/28/25
B	REVISED	KMM	05/29/25
C	CLIENT COMMENTS	KMM	06/05/25
D	CLIENT COMMENTS	KMM	06/27/25
E	CLIENT COMMENTS	KMM	08/13/25
F	JURISDICTION COMMENTS	KMM	08/13/25

SEAL
CA# TX 2-9817

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ENGINEER, TO ALTER THIS DOCUMENT.

AERIAL PLAN

SHEET NUMBER:
Z-1



SUBJECT PROPERTY IS LOCATED IN PANEL
#40650702E DATED 01/02/2012 AND IS IN THE BASE
FLOOD HAZARD AREA "X" AND IS NOT IN A SPECIAL FLOOD
HAZARD AREA.

IMPORTANT SITE NOTES:

- CONTRACTOR WILL NOT START
CONSTRUCTION UNTIL AFTER
THEY HAVE RECEIVED THE
PRE-CON PACKAGE AND A
PRE-CON WALK WITH THE
PROJECT MANAGER.
- CONTRACTOR TO HIRE PUBLIC
SERVICE IN ORDER TO LOCATE
AND PROTECT ALL SURFACE
AND SUBSURFACE UTILITIES
BEFORE ANY CONSTRUCTION
GRADE UTILITIES.
- CONTRACTOR SHALL VERIFY ALL
UTILITIES PRIOR TO EXCAVATION.
CONTRACTOR SHALL REPAIR ALL
DAMAGED UTILITIES AT HIS OWN
COST AND COORDINATE ANY
REPAIRS WITH THE RESPECTIVE
UTILITY COMPANY.
- CONTRACTOR TO VERIFY ALL
HEIGHTS AND AZIMUTHS IN FIELD
PRIOR TO CONSTRUCTION.
CONTRACTOR SHALL NOTIFY
CARRIER AND ENGINEERING FIRM
OF ANY DISCREPANCIES BEFORE
PROCEEDING.
- CONTRACTOR SHALL RESTORE
AREAS CAUSED BY
CONSTRUCTION.
- TOWERS WILL BE MADE AVAILABLE
TO OTHER TELECOMMUNICATIONS
COMPANIES FOR COLLOCATION.

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CITY SWITCH SITE NAME:
LOCKHART
CITY SWITCH SITE ID:
TXC062
SITE ADDRESS:
210 N. BRAZOS ST.
LOCKHART, TX 78644

REV	DESCRIPTION	BY	DATE
A	FOR REVIEW ONLY	KMM	05/28/25
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E	CLIENT COMMENTS	KMM	08/13/25
F	JURISDICTION COMMENTS	KMM	08/13/25

SEAL: CA# TX F-9817

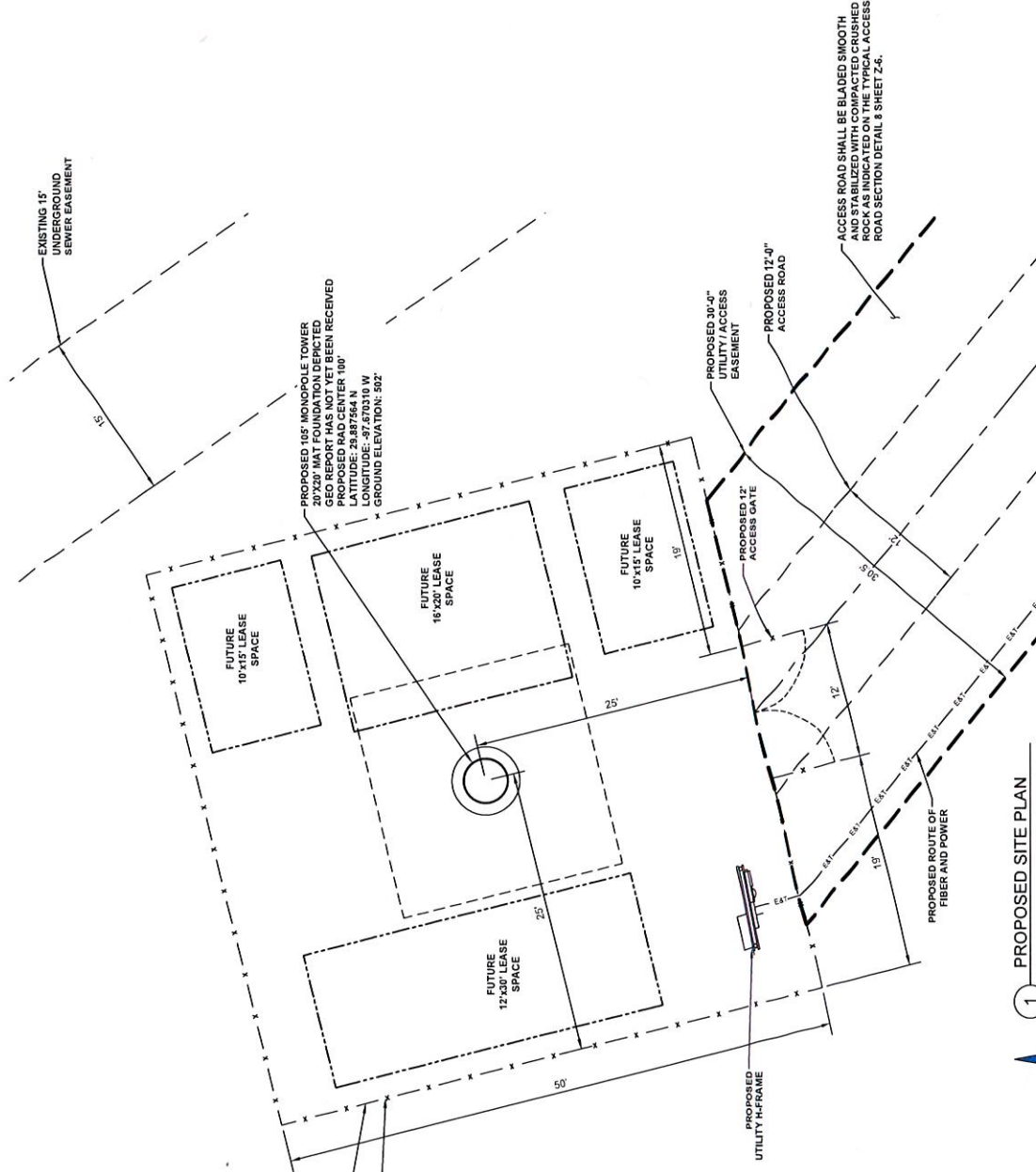
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PROPOSED SITE PLAN

SHEET NUMBER:
Z-3

SUBJECT PROPERTY IS LOCATED IN PANEL
#49055C0120E, DATED 6/19/2012 AND IS IN THE BASE
FLOOD ZONE "X" AND IS NOT IN A SPECIAL FLOOD
HAZARD AREA.





CITY SWITCH SITE NAME:
LOCKHART
CITY SWITCH SITE ID:
TXC062
SITE ADDRESS:
210 N. BRADSHAW ST.
LOCKHART, TX 78644

REV	DESCRIPTION	BY	DATE
A	FOR REVIEW ONLY	KMM	05/28/25
B	REVISED	KMM	05/29/25
C	CLIENT COMMENTS	KMM	06/05/25
D	CLIENT COMMENTS	KMM	06/27/25
E	CLIENT COMMENTS	KMM	08/12/25
F	JURISDICTION COMMENTS	KMM	08/12/25

SEAL

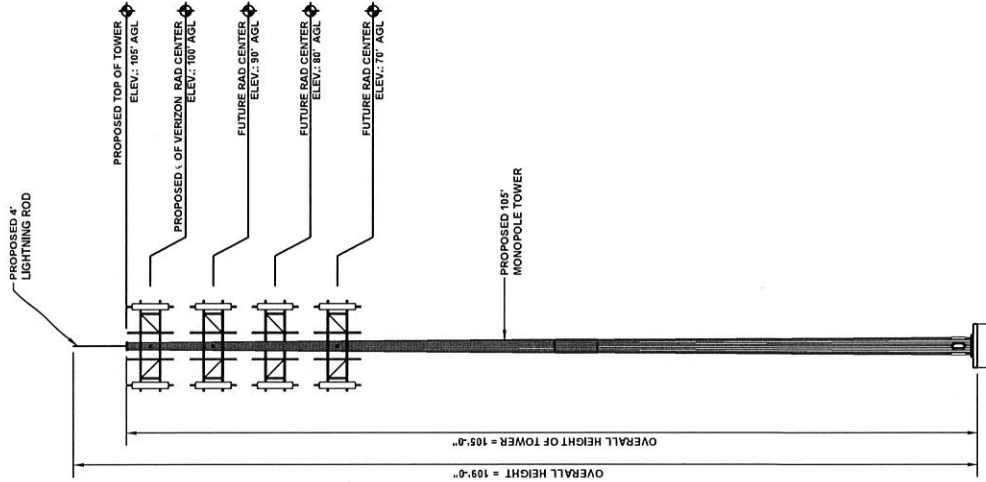
CAM TX F-0817

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TOWER ELEVATION

SHEET NUMBER:
Z-4



1 **TOWER ELEVATION**
SCALE: NOT TO SCALE

NO MAPPING OR ANALYSIS HAS BEEN
PERFORMED ON SECTOR MOUNTS, AND
STRUCTURAL INTEGRITY OF MOUNTS
UNDER NEW LOADING IS UNDETERMINED

STRUCTURAL ANALYSIS TO BE
PROVIDED AT LATER DATE



- | | | | |
|----|---|----|---|
| 1 | CORNER END OR PULL POST 3" NOMINAL SCHEDULE 40 PIPE. | 2 | FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK |
| 2 | LINE POST, 2 1/2" SCHEDULE 40 PIPE, PER ASTM-F1083, LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 8'-0" O.C. | 3 | 4" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK |
| 3 | TOP RAIL & BRACE RAIL, 1 1/2" PIPE, PER ASTM-F1083 | 4 | FINISH GRADE SHALL BE UNIFORM AND LEVEL |
| 4 | FABRIC 5GA CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM-A332 | 5 | GATE POST #4 SCHEDULE 40 PIPE, FOR GATE WIDTHS UP TO 10' UP TO 4 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083 |
| 5 | TIE WIRE, MINIMUM 1/4" GALVANIZED STEEL AT POSTS AND RAILS A SINGLE WRAP OF FABRIC TIE END AT TENSIONS WIRE BU HOG RINGS SPACED AX, AT 24" O.C. | 6 | GATE FRAME, 1 1/2" PIPE, PER ASTM-F1083 |
| 6 | TENSION WIRE, 9GA GALVANIZED STEEL | 7 | GATE FRAME, 1 5/8" PIPE, PER ASTM-F1083 |
| 7 | BARBED WIRE, DOUBLE STRAND 12 1/2" OD TWISTED WIRE TO MATCH WITH FABRIC 14GA, 4PT, BARBS SPACE ON APPROX 5" CENTERS | 8 | GATE DIAGONAL, GALVANIZED STEEL, 1 1/2" PIPE |
| 8 | STRETCHER BAR | 9 | DUCKY BILL OPEN GATE HOLDER, VERIFY LOCATION IN FIELD PRIOR TO INSTALLATION |
| 9 | 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD | 10 | GEOMETRIES FABRIC |
| 10 | FENCE CORNER POST BRACE, 1 5/8" DIAZ, EACH CORNER EACH WAY | 11 | LINE POST, CONCRETE FOUNDATION (2000 PSI) |
| 11 | 1 1/2" MAXIMUM CLEARANCE FROM GRADE | 12 | CORNER POST, CONCRETE FOUNDATION (2000 PSI) |
| | | 13 | GATE POST, CONCRETE FOUNDATION (2000 PSI) |
| | | 14 | STYME LOCK OR EQUIVALENT |
| | | 15 | MUSHROOM GATE STOP - DETAIL 2 |

W. PATTON HAHN
DIRECT DIAL: 205.250.8366
E-MAIL ADDRESS: PHAHN@BAKERDONELSON.COM

August 4, 2025

VIA FEDEX

City of Lockhart, Texas
Development Services Department
308 W. San Antonio
Lockhart, Texas 78644

RE: *Proposed Telecommunications Facility*
Site Name: Lockhart
Address: 108 Brazos St., Lockhart, Texas 78644
Our File No.: 2950257.000236

Dear Sir or Madam:

I am writing on behalf of CitySwitch ("Applicant"). Applicant is requesting to build a new cell tower in the City of Lockhart, Texas on parcel 17032, which is owned by Lockhart Gin Co. ("Landlord").

In support of the proposed project, we submit this letter and supporting documentation to allow the construction of a wireless telecommunications facility (the "Facility") at the property located at 108 Brazos St., Lockhart, Texas 78644 (the "Property"). The proposed Facility will be a one-hundred five-foot (105') monopole tower with a four-foot (4') lightning rod on Property owned by the Landlord, who will lease CitySwitch the necessary space for the tower and related ground equipment.

ZONING REQUEST – VARIANCE

The Facility will be in the IH (Industrial Heavy) district where wireless telecommunication facilities are permitted by right. The proposed Facility meets all requirements of Section 64-202 of the Lockhart, Texas – Code of Ordinances (the "Ordinance") except for the setback requirements in subsection (j) which will require the Applicant to obtain a Variance in accordance with Section 64-129 of the Ordinance. As detailed below, the proposed use, a telecommunications tower, will benefit the surrounding neighborhood by providing access to modern wireless telecommunications infrastructure to provide the latest telecommunications technologies for use by the citizens and businesses of Lockhart, Texas as well as its first responders.

Section 64-202 of the Ordinance set forth the development and application criteria for telecommunications towers:

- a) *Existing facilities:* Any wireless telecommunication facility for which a permit has been properly issued prior to April 8, 1998, shall not be required to meet the requirements of this chapter as they relate to wireless telecommunication facilities other than requirements of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC). However, any alteration of an existing facility on or after April 8, 1998 shall be subject to all applicable requirements.

RESPONSE: Not applicable.

- b) *Code requirements:* Wireless telecommunication facilities of any type must comply with all applicable requirements of the FAA and FCC, as documented in writing from the approving authority at the time of building permit application. Freestanding towers and their foundations shall meet all wind, seismic, and all other design requirements of the adopted building code. Drawings and specifications shall be prepared and sealed by a registered professional engineer and shall be submitted with the building permit application. Permits are required for new construction or alteration of a tower, although additional antennas not increasing the height of the structure may be added to an existing tower without permits except as may be needed for electrical wiring.

RESPONSE: Acknowledged and agreed.

- c) *Co-location capability:* New freestanding towers classified as a wireless telecommunication facility-high impact containing antennas for purposes other than commercial radio or television broadcast shall be designed and constructed to support a minimum of four antenna arrays from separate wireless telecommunication system providers or users. An affidavit shall be submitted with the building permit application stating the extent to which the tower owner agrees to allow additional equipment by other service providers to be located on the tower and its premises on a reasonable and nondiscriminatory basis.

RESPONSE: The proposed Facility has been designed to accommodate four (4) total users.

- d) *Availability of sites:* Each applicant for administrative approval or a specific use permit for a new freestanding tower containing antennas for purposes other than commercial radio or television broadcast shall provide an inventory of its existing towers within the city and its extraterritorial jurisdiction, including specific information about the location, height, and design of each such tower and the number of antennas that may be supported by it. A building permit for new freestanding towers shall not be approved unless the applicant provides satisfactory evidence that there are no alternative locations available on existing towers, buildings, or other structures that: 1) are structurally capable of supporting the intended antenna; 2) meet the necessary

height requirements; 3) provide a location free of electromagnetic interference; and 4) can comply with the requirements of this chapter.

RESPONSE: There are no existing towers or structures of sufficient height within the geographic search area shown at **Exhibit 4**. As shown and certified by Verizon Wireless ("Initial Tenant") in those RF Propagation Maps at **Exhibit 6**, the proposed site by the Applicant is needed to provide improved coverage and relief for two existing wireless sites which are reaching capacity limits which are resulting and will continue to result in degradation of data speeds for customers.

- e) *Abandoned facilities:* The owner of the property shall notify the building official at such time that a wireless telecommunication facility ceases operation. Any tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such tower or antenna, or the owner of the property, shall remove same including any accessory equipment, within 60 days of receipt of notice from the city. If the tower or antenna is not removed within said 60 days, the city may cause removal of such tower or antenna at the property owner's expense. After written notice to the property owner, the city may place a lien on the property until the city is reimbursed for the cost of removal of the abandoned wireless telecommunication facility. If there are two or more users of a single tower, this provision shall not become effective until all antennas located on the tower cease operation for the period specified above.

RESPONSE: Acknowledged and agreed.

- f) *Facilities on public property:* Wireless telecommunication facilities for use by commercial system providers may be allowed in a street right-of-way, or on other public property controlled by the city only upon approval by the city council of a lease, license, or franchise agreement, including arrangements for payment of appropriate compensation as may be established by the city council.

RESPONSE: Acknowledged and agreed.

- g) *Prohibited location:* No freestanding tower, or commercial antenna attached to any other structure, shall be erected in a location in the city where the tower or antenna would be visible when viewed by eyes five feet, eight inches above ground level from any portion of the county courthouse property or abutting portions of Main, San Antonio, Commerce and Market Street rights-of-way. This does not prohibit locations that are otherwise permitted by this chapter and where the line of sight is blocked by buildings or other structures existing at the time of application for approval of the wireless telecommunication facility. Future removal of such buildings or other structures shall not change the status of a wireless telecommunication facility to nonconforming.

RESPONSE: The proposed Facility's tower height has been reduced from 150' to 105' to ensure that no part of the Facility will be visible from the county courthouse property in compliance with the requirements in subsection (g) above.

- h) *Access:* Each site of a freestanding tower shall have direct access to a public street provided by a driveway meeting city standards. The driveway shall extend from the street to an appropriate location on the premises where a vehicle would need to be parked to facilitate normal maintenance of the facility.

RESPONSE: The proposed Facility will have a 12' wide gravel access drive from the site to the nearest public right-of-way, E. Pecan Street, as shown on the enclosed Site Drawings at **Exhibit 2**.

- i) *Height:* No wireless communication facility shall encroach upon the height limits, if applicable, of Lockhart Municipal Airport hazard zones as adopted December 18, 1991. In no case shall a freestanding tower exceed a height of 200 feet, except where a height variance is granted by the board of adjustments due to demonstration of a hardship by the applicant that can only be remedied by location of the facility on the proposed site within the city limits. Antennas mounted as an accessory on top of a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function shall not extend more than 15 feet above the highest point of the structure as measured from the average ground level around the structure.

RESPONSE: Acknowledged and agreed. The tower at the proposed Facility will be 105' in height with a 4' lightning rod for a total overall height of 109' which will not exceed 200' or any of the height limits imposed in the airport hazard zones.

- j) *Setbacks:* A nonexempt freestanding tower shall be setback from all boundaries of the property on which it is located by a distance equal to the height of the tower, and shall be setback from any residential dwelling or residential zoning district a distance equal to twice the height of the tower, as measured from the base of the main tower structure. Associated equipment enclosures or other buildings and structures, and guy wire anchors, if any, located on the same property are subject to the normal building setback requirements of the district within which the facility is located. Antennas mounted as an accessory on the side of a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function, may extend up to two feet into the required building setback, but in no case shall extend closer than five feet to any property line.

RESPONSE: The tower at the proposed Facility will be setback greater than twice tower height to any residential dwelling or residence and greater to tower height to property lines except for to the western and north-eastern property lines as shown on

the enclosed Site Drawings at **Exhibit 2**. CitySwitch respectfully requests a variance to the strict application of these standards. There is no location on the Property in which the tower would be able to meet the required setback standards due to the size and shape of the parcel. To mitigate safety concerns, the tower has been designed such that in the unlikely event of tower failure, the monopole will buckle at the location of the highest stress resulting in the failed portion of the tower leaning over and remaining in a permanently deformed condition with an effective fall-zone radius of 40' or less as certified in that Engineering Letter at **Exhibit 3**. The fall-zone radius would be entirely contained on the Property and will not endanger any adjacent properties or any surrounding structures. In addition, the Property is zoned industrial, and all adjacent properties are either industrial or commercial in nature and the reduction in setback will not affect any residential properties.

- k) *Illumination and appearance:* Wireless telecommunication facilities shall not be artificially illuminated except as required by the FAA or FCC, and except for motion-detector operated security lights on any associated equipment enclosure. Freestanding towers shall maintain a galvanized steel finish or be painted sky blue or gray, except as otherwise required by the FAA or FCC. Unless the tower compound is screened by any means from adjacent streets, residential dwellings, and residential zoning districts, the design of equipment enclosures shall, to the extent possible, use materials and colors that are compatible with the natural and built environment of the surrounding area. Antennas mounted as an accessory on a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function shall be identical in color or closely compatible with the color of the adjacent portion of the supporting structure so as to make the antenna as visually unobtrusive as possible.

RESPONSE: The tower at the proposed Facility will not be lit and is not required to be lit by any FAA or FCC regulations. The tower will be a monopole design with a flat galvanized steel gray finish which is the least visually obtrusive tower design available. Ground equipment will typically consist of equipment cabinets of galvanized steel and any proposed ground equipment will largely be screened from view by existing vegetation and intervening structures. Please see enclosed Site Drawings at **Exhibit 2** and Photo Simulation at **Exhibit 5**.

- l) *Security and screening:* The base of freestanding towers, and associated equipment enclosures shall be enclosed by a security fence or wall not less than six feet in height with an access gate that is kept locked at all times except when attended by authorized personnel. The base of the tower and associated equipment enclosures shall also be screened on any side facing a public street, residential dwelling, or residential zoning district in accordance with any one or more of the following alternatives: 1) preserve existing dense evergreen vegetation or natural landforms that effectively screen the tower compound; 2) plant new dense evergreen vegetation having a mature height of at least six feet; or 3) construct the security fencing to provide opaque screening

consisting of materials and colors that are compatible with the natural and built environment of the surrounding area.

RESPONSE: The proposed Facility will be enclosed by a 6' chain link security fence with locked gate. The Facility does not abut any residential dwelling or residential zoning district and will be largely screened from view by existing vegetation and intervening structures on the Property. Please see enclosed Site Drawings at **Exhibit 2**.

- m) *Signage.* No sign, banner, or flag shall be placed in a visible location on the exterior of a wireless telecommunication facility or its premises except one nonilluminated permanent sign not larger than two square feet for the purpose of identification in the case of an emergency. No commercial advertising is permitted.

RESPONSE: Acknowledged and agreed. The only signage that will be installed at the site are for caution, tower information, or emergency contact information on the Facility's compound fencing.

- n) *Historic districts.* Any wireless telecommunication facility to be installed outside of a building anywhere in a historic district established by the city council shall be subject to approval of a certificate of alteration by the city historical preservation commission.

RESPONSE: Not applicable. The proposed Facility is not within the historic district or near a historic landmark.

Section 64-129 of the Ordinance set sets forth the following criteria for Variances:

- a) A variance is an appeal by the applicant that a grant of relief be made from a specific requirement of the zoning chapter where strict enforcement would prohibit any practical or reasonable use of the property in accordance with its zoning classification. The board of adjustment may grant a variance upon making findings that the evidence submitted by the applicant demonstrates that all of the following conditions exist:
- 1) The variance arises from such condition that is unique to the property in question, where such condition was not created by an action of the property owner, occupant, or applicant.
 - 2) The particular physical surroundings, shape, or topographical condition within or adjacent to the property would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provision in question were literally enforced.
 - 3) The request for a variance is not based exclusively upon a desire of the owner or occupant for increased financial gain from the use of the property, or to reduce a personal financial hardship.

- 4) The variance will not alter the essential character of the zoning district within which the property is located, and is in harmony with the intent and purposes of this chapter.
- 5) The granting of the variance will not adversely affect the public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same zoning district.
- 6) The degree of variance requested is the minimum amount necessary to allow a reasonable use of the property.

RESPONSE: The Facility is to be located in the IH district where towers are permitted by right as long as the conditions of Section 64-202 are met. The Facility meets all conditions of Section 64-202 except for the setback requirements to the eastern and western property lines. The Property is a unique size and shape, has existing structures, and existing business operations which limit the availability of space for the Facility as shown on the enclosed Site Drawings at **Exhibit 2**. None of the existing conditions are a result of the actions of the applicant.

To mitigate safety concerns, the tower has been designed such that in the unlikely event of tower failure, the monopole will buckle at the location of the highest stress resulting in the failed portion of the tower leaning over and remaining in a permanently deformed condition with an effective fall-zone radius of 40' or less as certified in that Engineering Letter at **Exhibit 3**. The fall-zone radius would be entirely contained on the Property and will not endanger any adjacent properties or any surrounding structures. In addition, the Property is zoned industrial, and all adjacent properties are either industrial or commercial in nature and the reduction in setback will not affect any residential properties.

A literal interpretation of these requirements will deprive the Applicant of rights enjoyed by applicants for towers on other IH zoned properties and would be an unnecessary hardship on the applicant. Communications towers are an integral part of our critical telecommunication infrastructure and are a benefit to the public good. For the vast majority of us, cell phones have replaced landlines as our primary source of personal communications. In the case of emergencies, cell towers are invaluable governmental entities and citizens alike. The location of this proposed tower on this industrial parcel will improve coverage and capacity in the area and lessen the need for cell towers to be located in other, more aesthetically-sensitive areas of the City.

The variance is not being sought for increased financial gain from the use of the property or to reduce a personal financial hardship, but instead to construct a wireless facility that will increase wireless connectivity and telecommunications infrastructure in the City.

The variance will not alter the essential character of the zoning district within which the property is located, and is in harmony with the intent and purposes of this chapter. The proposed facility is to be located on property that is used for industrial purposes, and near other such purposes, and is located away from residential uses.

The requested variance for the proposed Facility is in harmony with the Ordinance's intent to locate towers outside of residentially zoned areas and be harmonious and not injurious to the surrounding area. The proposed Facility will consist of a 105' monopole tower with a galvanized steel finish which is the least visually obtrusive tower type and will be setback greater than twice tower height from all adjacent residential properties.

Finally, the variance requested is the minimum amount necessary to allow a reasonable use of the property. Movement of the tower elsewhere on the property is not feasible due to the existing use of the property, and movement of the tower to the east would move it closer to a public right-of-way and increase the amount of other variances that would need to be sought.

We would appreciate this application for a variance be placed on the agenda for the next scheduled Board of Adjustment meeting. If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

A handwritten signature in black ink, appearing to read 'W. Patton Hahn'.

W. Patton Hahn

Enclosures



Facing North: Market Street and Commerce Street
Tower Not Visible



Facing Northeast: San Antonio Street and Main Street
Tower Not Visible

- CURRENTLY PROPOSED HEIGHT -



PYRAMID
Network Services, LLC

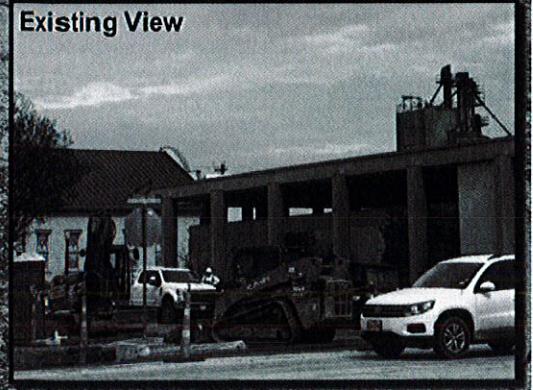
LOCKHART

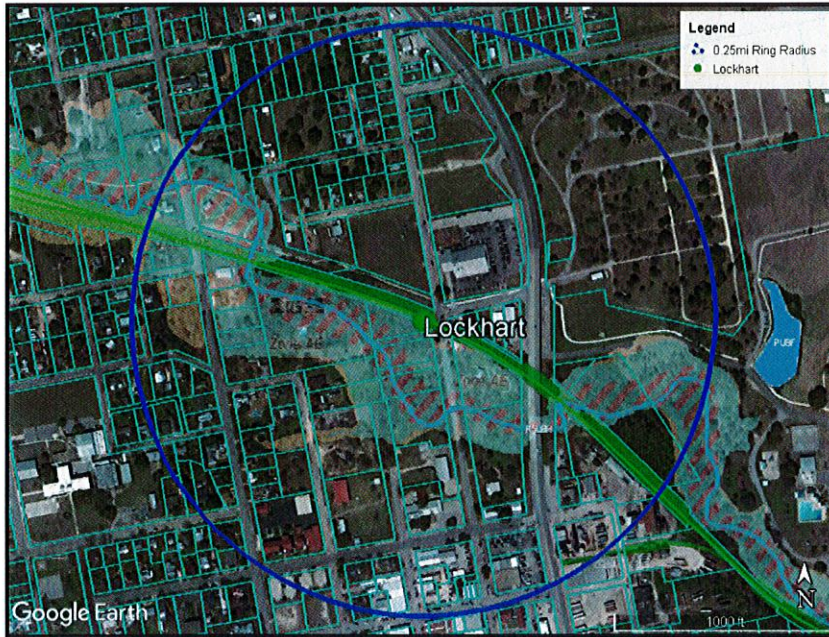
108 BRAZOS STREET
LOCKHART, TEXAS 78644

**110ft. MONOPOLE
NOT VISIBLE**

View from E Sanantonio Street
approx. 1,150ft. south-southwest of site

Existing View





Ring Information	
City	State
Lockhart	TX
Latitude	Longitude
29.88926	-97.67250
Proposed RAD	Ring Radius
N/A	0.25mi
Parcel Options	Viable CS Property?
Limited	No
Zoning Rank	Recommendation
RED	CS Review
Demographics	
Population	Population Was
14,379 (2020)	12,698 (2010)
Population Change	Area Type
+13.2%	Suburban

June 9, 2025

Tim Cook
CitySwitch

RE: Proposed 105' Sabre Monopole for TXC062 Lockhart, TX

Dear Mr. Cook,

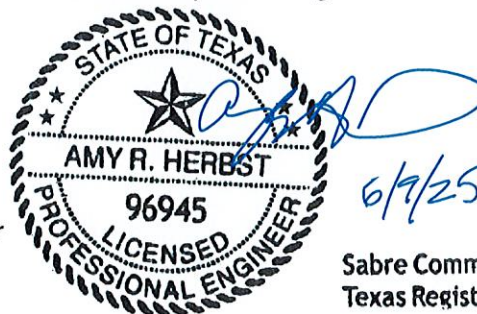
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for an Ultimate Wind Speed of 110 mph without ice and 30 mph + 1" ice, Risk Category II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA 222-H-2017 "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. This would effectively result in a fall radius less than or equal to 40'. *Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Industries.*

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



Sabre Communications Corporation
Texas Registration Number F-4365

Verizon Wireless Communication Facility

**Engineering Necessity Case –
LOCKHART_DT**

July 2025

verizon[✓]

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Project Need Overview

The primary objective for this project is to improve service quality in the central area of Lockhart. The Lockhart area has seen considerable growth and the wireless usage in this area is high. This new site will provide increased coverage and capacity which will allow for greater throughput and reliability in the area.

Our engineering data shows that this area is trending toward data capacity limits. The existing sites, ACOSTA and LOCKHART, need to have some of the area it covers moved onto another site to allow it to keep performing well. This new site, LOCKHART, DT, does an good job of moving traffic onto a more localized site, better able to serve this area.

Additional details and explanations follow in this presentation.



Introduction:

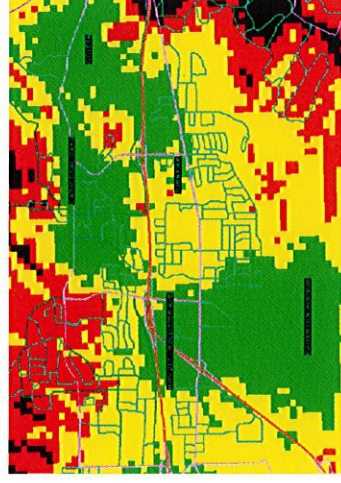
Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility (WCF). Most WCF provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage describes the existence or lack of wireless service in an area. The request for improved service often comes from our customers or emergency services personnel that have no service or poor service. Coverage used to refer to the ability to make or place a call in vehicles, however, as usage patterns have shifted, coverage is now determined based on whether or not sufficient WCF exist to provide a reliable signal inside of buildings and residential areas, as well. Historically, when wireless was still in its infancy, coverage was the primary means to measure the effectiveness of the network in a given area.

Capacity is the metric used to determine if sufficient wireless resources exist and is now the primary means to measure how a community's wireless needs are being addressed. "Five bars" no longer means guaranteed coverage and capacity because each WCF has a limited amount of resources to handle voice calls, data connections and data volume. When these limits are reached and the WCF becomes overloaded (meaning there is more demand than bandwidth to service it), the user experience quickly degrades preventing customers from making/receiving calls or getting applications to run. A WCF short on capacity could also make internet connections time out or delay information to emergency response personnel



Explanation of Wireless Coverage



Coverage is best shown via coverage maps. RF engineers use tools that take into account terrain, vegetation, building types, and WCF specifics to model the existing coverage and prediction what we expect to see with the addition of a proposed WCF.

Explanation of Wireless Capacity



Capacity is the amount of resources that a WCF has to service customer demand. Verizon utilizes sophisticated programs and customer feedback to monitor current usage trends and to forecast future needs. Because it takes an average of 2-3 years to complete a WCF, we have to start the process of adding a new WCF several years in advance of when the WCF will be needed.

Location, Location, Location. A good capacity WCF needs to be as close as possible to the center of a user population which insures that traffic is evenly distributed around the WCF. A typical WCF is configured into three sectors (like a pie cut into three pieces), with each slice (sector) having 33% of the WCF resources. If one sector is under-utilized, it's resources can not necessarily be diverted to another sector. Therefore, optimal performance is only obtained when all three sectors have an even traffic distribution. Also, the capacity decreases with distance due to the limited power of the radio link.



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Wireless Data Growth

Each year Verizon sees large increases in how much data its customers need. As the resolution of the pictures we send increases, the quality of the video we watch improves and the complexity of the applications grow, we commonly see tremendous growth year-over-year

Machine to Machine communications will also increase the data burden on wireless networks, as over the next five (5) years more and more services that improve our safety and make our lives easier will be available over the wireless infrastructure, such as:

- Cars that notify 911 when an airbag deploys.
- “Driverless” cars needing traffic data and maps to reach your destination as quickly as possible.
- Medical monitors that will alert us should a loved one neglect taking their prescription drugs.
- Home alarms that notify you when your child arrives home from school.
- Smart street lights that notify the city when they are not working.
- City garbage cans that let people know when they need to be emptied.
- Tracking watches will aid in finding lost Alzheimer patients.

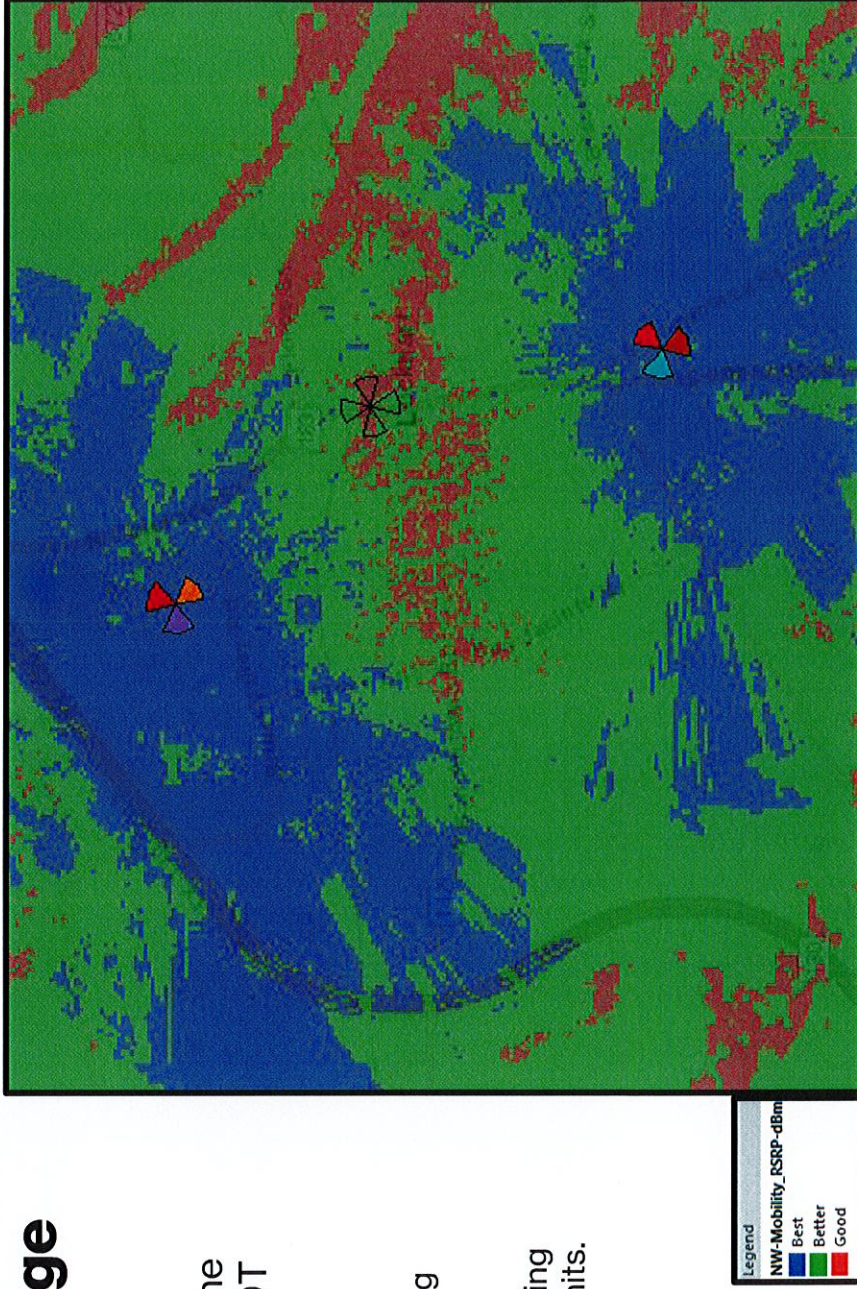


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Current Coverage

Current coverage near the proposed LOCKHART_DT site:

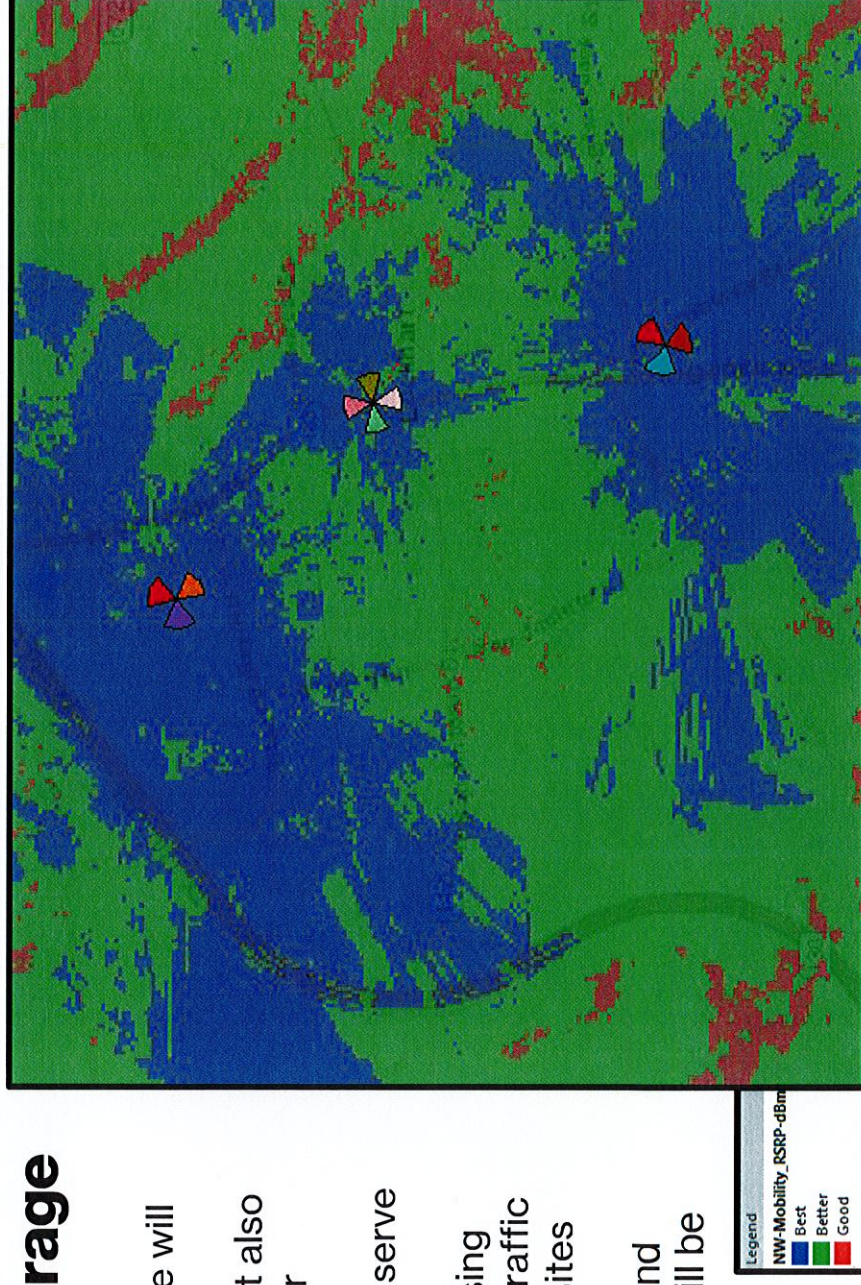
The LOCKHART_DT site is situated between two existing sites, LOCKHART and ACOSTA. Both of these sites are trending toward Verizon's capacity limits.



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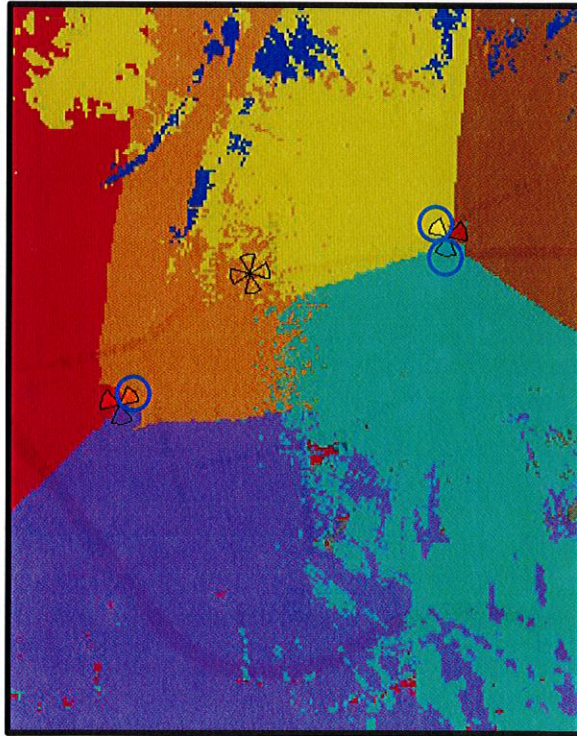
Proposed Coverage

The LOCKHART_DT site will improve not only the coverage in the area but also the capacity allowing for better data rates and reliability. The ability to serve our customers from the existing sites is decreasing due to increasing data traffic demands. The nearby sites are nearing Verizon's capacity trending limit and customer experience will be degraded.

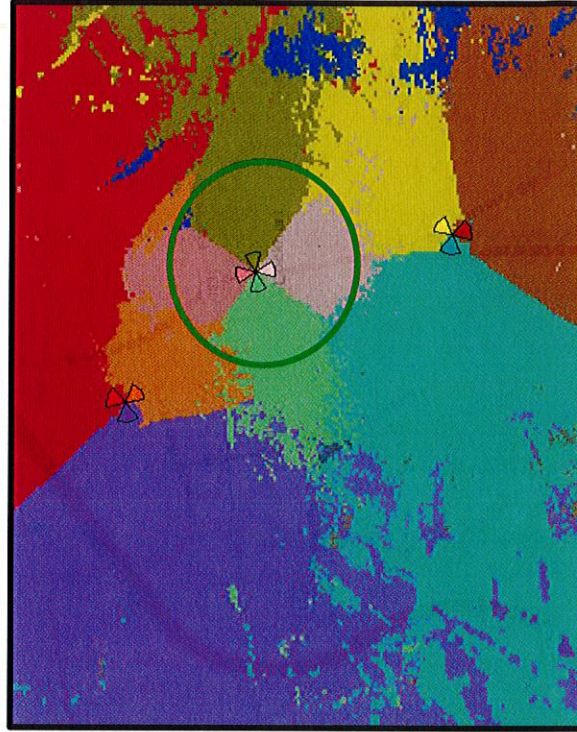


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Serving Sector Maps



Best Server without LOCKHART_DT



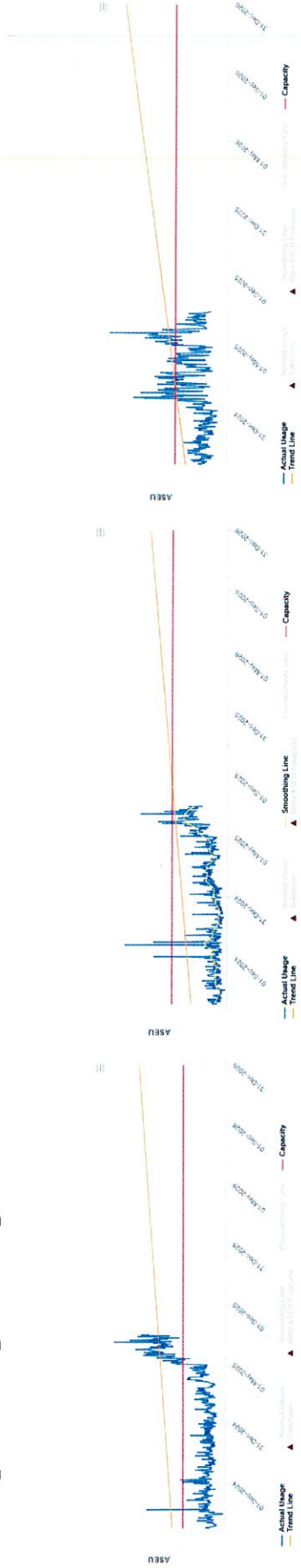
Best Server with LOCKHART_DT

The plots above show the best servers or sectors that cover this area with each sector shown in a different color. The left map shows what sectors currently cover this area with the projected overloaded sectors circled in blue. The right map shows the proposed site footprint which will improve the capacity and coverage in the green circled area. This project will improve service by providing necessary capacity to support the growth we are seeing in 4G and 5G data traffic. If the site is not built, the area circled on the left map will see data speeds start to degrade.



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Capacity Projection



Existing Site: LOCKHART Sector B

Existing Site: ACOSTA Sector A

Existing Site: ACOSTA Sector G

Summary: The existing LOCKHART and ACOSTA sites are currently over Verizon's capacity planning threshold. The project to add LOCKHART_DT began a few years ago and will improve service to our customers.

Details:

The graph above show the average number of users trying to access services at the same time. The blue line shows the daily usage on this sector of the existing wireless facility site. The red line is the capacity planning limit where the sector starts to degrade below Verizon's standards. In this case, the yellow trend lines are projecting increasing usage.

To aid in resolving this, we ask to add a three sector communications facility as proposed to improve wireless service capacity and coverage in this area by offloading commercial traffic from these growing sectors with the proposed site, LOCKHART_DT. We are requesting this site to improve the exiting service to meet current customer demand.



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Verizon Wireless

**Verizon is part of
your community.
Because we live
and work there too.**

We believe technology can help solve
our biggest social problems.

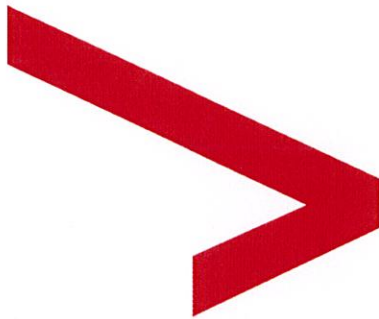
We're working with innovators,
community leaders, non-profits,
universities and our peers to
address some of the unmet
challenges in education, healthcare
and energy management.

Learn more about our corporate social
responsibility at www.verizon.com.



verizon

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CITY OF
Lockhart
TEXAS

ZONING VARIANCE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Joe Coyle on behalf of CitySwitch
DAY-TIME TELEPHONE 773-844-9759
E-MAIL jcoyle@pyramidns.com

ADDRESS 444 E. 74th Terrace
Kansas City, MO 64131

OWNER NAME Lockhart Gin Co.
DAY-TIME TELEPHONE 830-660-3733
E-MAIL pooleyfarms@gmail.com

ADDRESS 210 N. Brazos St.
Lockhart, TX 78644

PROPERTY

ADDRESS OR GENERAL LOCATION 210 N. Brazos St. Lockhart, TX 78644
LEGAL DESCRIPTION (IF PLATTED) O.T. LOCKHART, BLOCK 35, LOT PART 1 & 2, ACRES 1.37
SIZE 1.37 ACRE(S) ZONING CLASSIFICATION Industrial Heavy
EXISTING USE OF LAND AND/OR BUILDING(S) Industrial / Commercial

REQUESTED ZONING VARIANCE

VARIANCE TO SECTION(S) 64-202 (j) & 64-202(h) & 64-197(g)(1)(e) (2) THE ZONING ORDINANCE

CURRENT ORDINANCE REQUIREMENT(S) Free standing tower shall be setback from all boundaries of the property by a distance equal to the height of the tower, and shall be setback from any residential dwelling or residential

zoning district equal to twice the height of the tower, as measured from the base of the structure.

REQUESTED VARIANCE(S) West of the tower is 46' from property line,
requesting a 64' variance. East of the tower is 77' from the property
line, requesting a 33' variance. Secondly, requesting approval of a variance from the

requirement for the driveway and parking pad to be an all-weather surface - to be a gravel surface.

Tower Distance from the RHD zone is less than twice the height of the tower (~178', when 220' is required)

Driveway / Parking area must meet City standards (64-202(h) & 64-197(g)(1)(e)(2))

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

A WRITTEN STATEMENT DOCUMENTING THE REASON FOR THE VARIANCE(S), INCLUDING EVIDENCE THAT THE REQUEST COMPLIES WITH THE FOLLOWING CRITERIA AS REQUIRED FOR APPROVAL OF A VARIANCE.

1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The *sole* reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
5. The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

SITE PLAN, SUBMITTED ON PAPER NO LARGER THAN 11" X 17", SHOWING: 1) Scale and north arrow; 2) Location of site with respect to streets and adjacent properties; 3) Property lines and dimensions; 4) Location and dimensions of buildings; 5) Building setback distances from property lines; 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and, 7) any other proposed features of the site which are applicable to the requested variance.

APPLICATION FEE OF \$250.00 PLUS \$150.00 PER ACRE, FOR A MAXIMUM OF \$2,500.00, APPLICATION FEE OF ~~\$455.50~~ PAYABLE TO THE CITY OF LOCKHART.

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE



DATE 08/13/2025

OFFICE USE ONLY

ACCEPTED BY Kevin Walker

RECEIPT NUMBER R01395902

DATE SUBMITTED 8/19/25

CASE NUMBER ZV - 25 - 05

DATE NOTICES MAILED 8-25-2025

DATE NOTICE PUBLISHED 8-28-2025

BOARD OF ADJUSTMENT MEETING DATE 9/4/25

DECISION _____

CONDITIONS _____
