

PUBLIC NOTICE

**City of Lockhart
Zoning Board of Adjustment
6:30 PM, Monday, October 6, 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 64-202(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, 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. **FV-25-03.** Hold a PUBLIC HEARING and consider a request by Mike and Sharyl Lane for a Variance to the Lockhart Code of Ordinances, Chapter 12 "Buildings and Building Regulations", Article VIII "Fences", Section 12-486(a), to allow sheet-metal which is not an approved material for fencing in the upper portion of an existing fence on the west side property line and rear property line in the rear yard of the residence on Lot 1, Block A, Trammell's Revised Second Addition, consisting of 0.46 acre, zoned RLD (Residential Low Density), and located at 1225 West Prairie Lea St.
6. Discuss the date and agenda of the next meeting.
7. Adjournment.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas at 4:00 p.m. on the 30th 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.

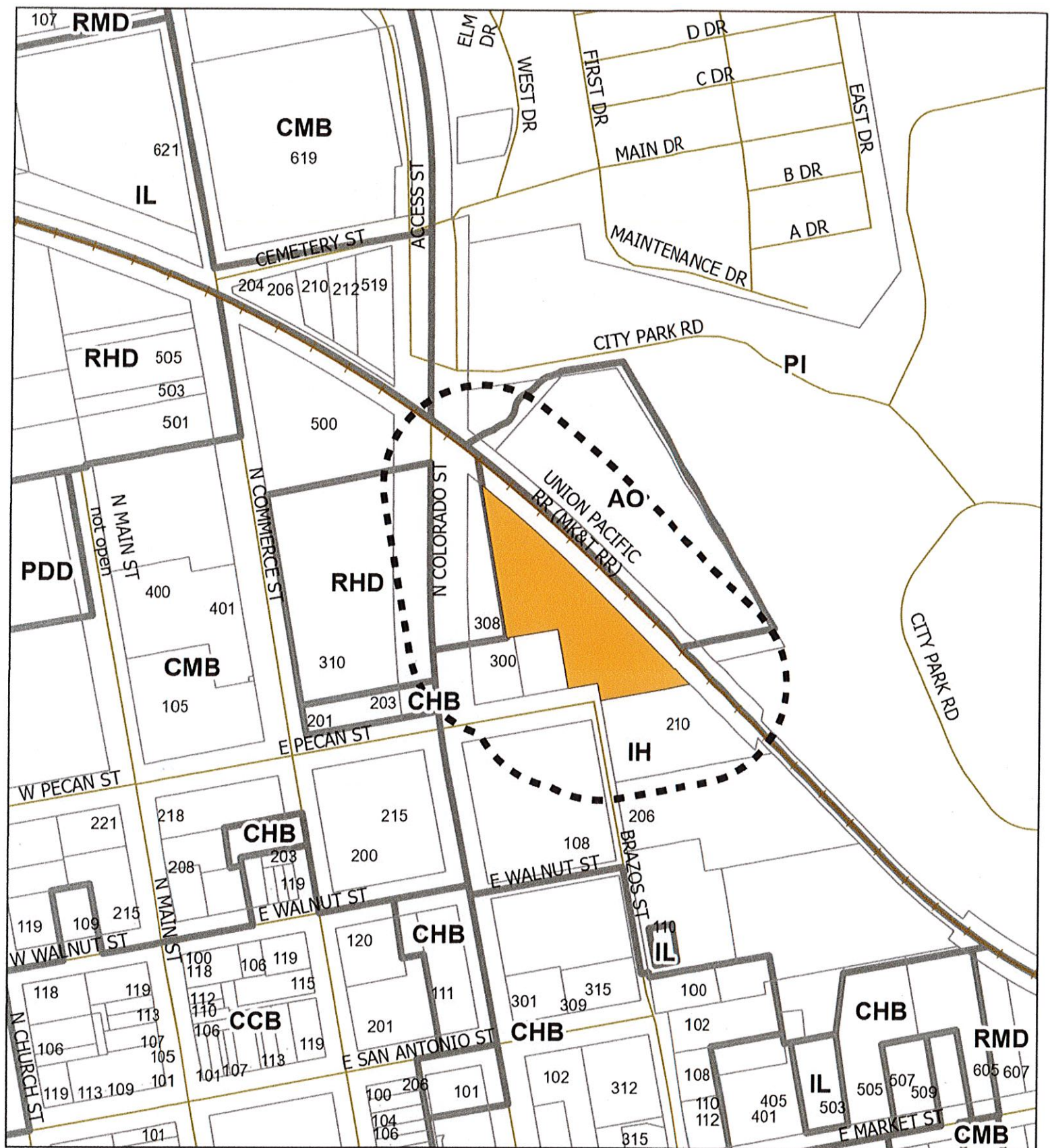
6. Adjournment.

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



SUBJECT PROPERTY



ZONING BOUNDARY



200 FT BUFFER

Scale 1" = 300'

CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*
REPORT DATE: September 2, 2025 [*Updated September 26, 2025*]
PUBLIC HEARING DATE: October 6, 2025

CASE NUMBER: ZV-25-05

APPLICANT'S REQUEST: Variance to Chapter 64, Section 64-202(j), to allow a reduction in the minimum setbacks/fall zone to the west and east property lines, and a reduction in the minimum distance to the nearest residential zoning district, for a proposed wireless telecommunications facility

STAFF RECOMMENDATION: ***Denial***

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 was also originally 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, to consist of a gravel surface. The applicant, however, has since chosen to withdraw that request and construct a driveway and parking area meeting the paved City standards. The applicant has also submitted the attached letter from consulting attorney Holland & Hart, dated September 5, 2025, in support of the variance request. 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 variance review criteria, 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. Staff does not find that these conditions, however, are sufficient to warrant approval of a variance. 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 request 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 variance. 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 request, 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, and within the setback to the RHD zoning district to the west, is 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.

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 request. Staff believes that the variance request should 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, 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) 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 request, as the request does not meet all 6 of the variance review criteria. 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. A denial of the variance request would not remove the economic value from the property, which is already in active commercial/industrial use.

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 RHO 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 ~~9/6/25~~ 10/6/25

DECISION _____

CONDITIONS _____

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

To: Mr. Kevin C. Waller, AICP, City of Lockhart
From: Joe Coyle, Pyramid Network Services on behalf of CitySwitch

- Driveway Material
- Parking Area Material

RE: Request for Variance: Code of Ordinance 64-197(g)(1)(e)(2)

Dear Mr. Waller:

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

This variance
is no
longer proposed
per applicant.
-KW

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 | 05/28/25 |
| 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

CMB: TX 4-6817

PRELIMINARY
DRAWING
(NOT VALID UNLESS
STAMPED AND SIGNED)

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE
A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

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

SHEET INDEX

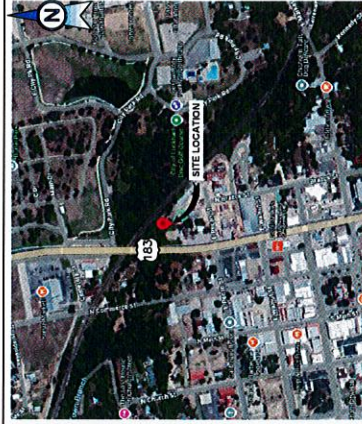
| SHEET NO. | DESCRIPTION | REV |
|-----------|----------------------------|-----|
| T-1 | TITLE SHEET | F |
| - | SURVEY | F |
| Z-1 | AERIAL PLAN | F |
| Z-2 | PROPOSED OVERALL SITE PLAN | F |
| Z-3 | PROPOSED SITE PLAN | F |
| Z-4 | TOWER ELEVATION | F |
| Z-5 | FENCE DETAILS | F |
| Z-6 | EROSION CONTROL DETAILS | F |

- See Sheet
Z-2 for
Site Plan -

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
GET ONTO US-183 S. TAKE THE RAMP ON THE LEFT FOR TX-71 EAST AND HEAD
TOWARD THE AIRPORT BLVD. KEEP STRAIGHT TO THE TERMINAL. KEEP
LEFT TO STAY ON TX-71. TAKE THE RAMP ON THE RIGHT FOR TX-183 S. KEEP
SOUTH / TX-271 EAST AND HEAD TOWARD BASTROP / SAN ANTONIO. TAKE THE
RAMP ON THE RIGHT FOR TX-46 S / TX-130 S. TAKE THE RAMP ON THE LEFT FOR
TX-130 S. TAKE THE RAMP ON THE LEFT FOR TX-183 S. TAKE THE RAMP ON THE
LOCKHART, ARRIVE AT 308 N. COLORADO ST., LOCKHART, TX 78644.

PROJECT NOTES

1. THE FACILITY IS UNMANNED.
2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR
ROUTINE INSPECTION AND MAINTENANCE.
3. THE SITE IS LOCATED IN AN AREA WITH SIGNIFICANT LAND DISTURBANCE OR
EFFECT OF STORM WATER DRAINAGE.
4. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED.
5. HANDICAP ACCESS IS NOT REQUIRED.
6. THE SITE IS LOCATED IN AN AREA WITH SIGNIFICANT LAND DISTURBANCE OR
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PROJECT TEAM

ENGINEER:
JEREMY ELBERT
jeremy@smweng.com
SMW ENGINEERING GROUP, INC.
159 BUSINESS CENTER DR.
BIRMINGHAM, AL 35244
JOB# 24-10826
PROPERTY OWNER:
LOCKHART CON COMPANY
LOCKHART, TX 78644

APPLICANT:
CITY SWITCH
3715 AIRPORT PARKWAY
SUITE 200
ATLANTA, GA 30327

COMPLIANCE CODE

- ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED
IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE
FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES. NOTHING IN THESE PLANS IS
TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO
THESE CODES.
1. 2015 INTERNATIONAL BUILDING CODE (IBC)
 2. 2017 NATIONAL ELECTRIC CODE (NEC)
 3. LOCAL BUILDING CODE
 4. CITY/COUNTY ORDINANCES

UTILITY COMPANIES

POWER COMPANY: LOCKHART ELECTRIC
PHONE: 612-376-2475
TELEPHONE COMPANY: TBD
PHONE: TBD

PROJECT SUMMARY

SITE ADDRESS:
210 N. BRAZOS ST.
LOCKHART, TX 78644
COUNTY: CALDWELL COUNTY
GEOGRAPHIC COORDINATES:
LATITUDE: 29.897564
LONGITUDE: -97.870310
GROUND ELEVATION: 502' AMSL

ZONING INFORMATION:

JURISDICTION: CITY OF LOCKHART
ZONING CODE: TBD





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 | 05/26/25 |
| B | REVISED | KMM | 05/29/25 |
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| D | CLIENT COMMENTS | KMM | 06/27/25 |
| E | CLIENT COMMENTS | KMM | 08/13/25 |
| F | JURISDICTION COMMENTS | KMM | 08/13/25 |

SEAL
C.A.M. TX E-9617

**PRELIMINARY
DRAWING**
(NOT VALID UNLESS
STAMPED AND SIGNED)

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AERIAL PLAN

SHEET NUMBER
Z-1



SUBJECT PROPERTY IS LOCATED IN PANEL #4805500120E, DATED 6/19/2012 AND IS IN THE BASE FLOOD ZONE "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 SUB-SURFACE UTILITIES PRIOR TO CONSTRUCTION. THESE PLANS FOR ANY BELOW GRADE UTILITIES.
 - CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPAIR ALL DAMAGED UTILITIES AT HIS OWN COST AND COORDINATE ANY REPAIRS WITH RESPECTIVE UTILITY COMPANY.
 - CONTRACTOR TO VERIFY ALL HEIGHTS AND AZIMUTHS IN FIELD PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPAIR ALL DAMAGED UTILITIES AT HIS OWN COST AND COORDINATE ANY REPAIRS WITH RESPECTIVE UTILITY COMPANY.
 - CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.
 - TOWER WILL BE MADE AVAILABLE TO THE CLIENT FOR COLLOCATION.

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

| REV | DESCRIPTION | BY | DATE |
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| A | FOR REVIEW ONLY | KMM | 05/29/25 |
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SEAL

CAP TX F-9817

**PRELIMINARY
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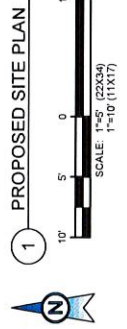
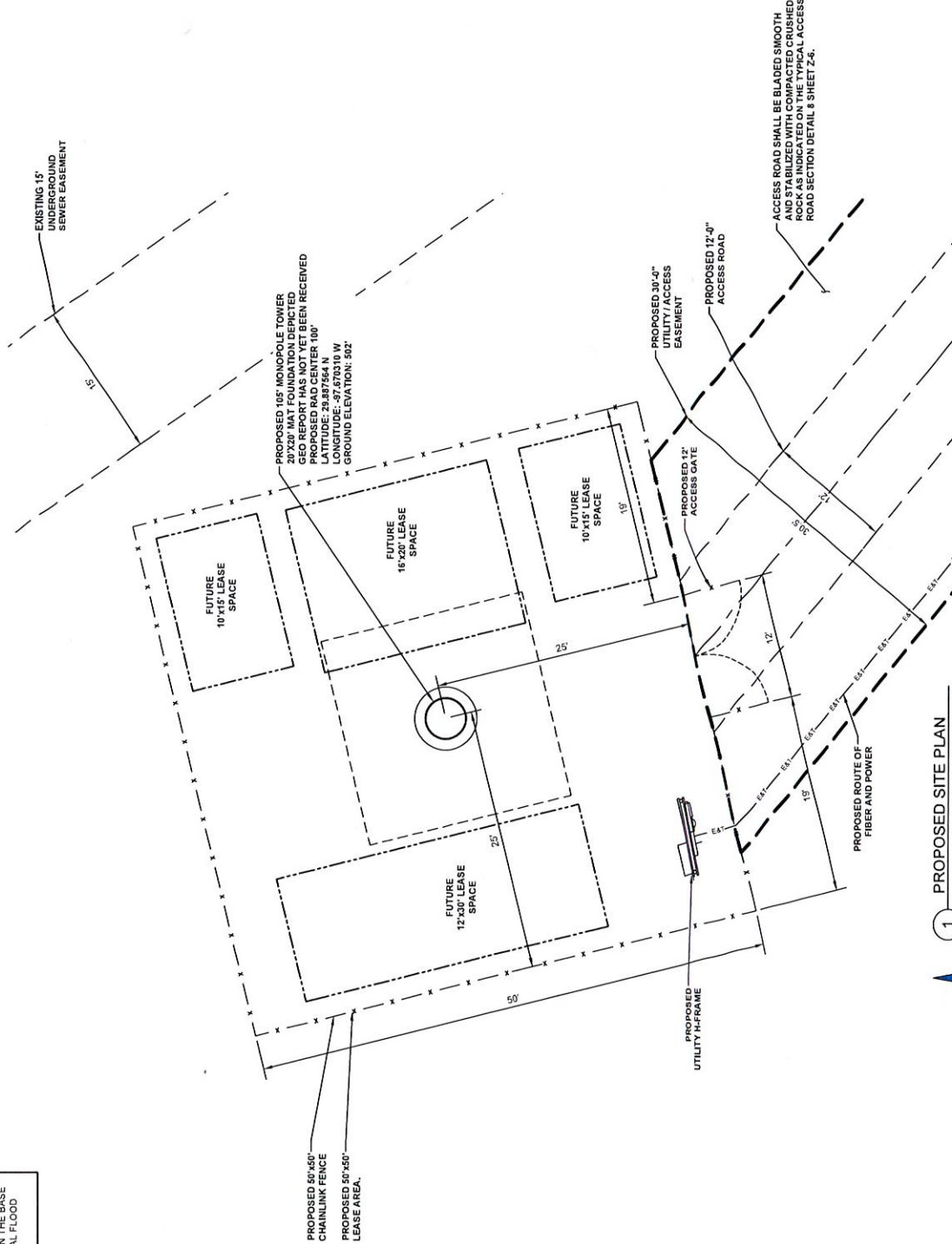
IF IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE
REGISTERED PROFESSIONAL ENGINEERS, TO SEAL OR SIGN
THIS DRAWING, THE ENGINEER TO ALTER THE DOCUMENT.

PROPOSED SITE PLAN

SHEET NUMBER

Z-3

SUBJECT PROPERTY IS LOCATED IN PANEL
#48055CD120E, DATED 6/19/2012 AND IS IN THE BASE
FLOOD HAZARD AREA "X" AND IS NOT IN A SPECIAL FLOOD
HAZARD AREA.





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

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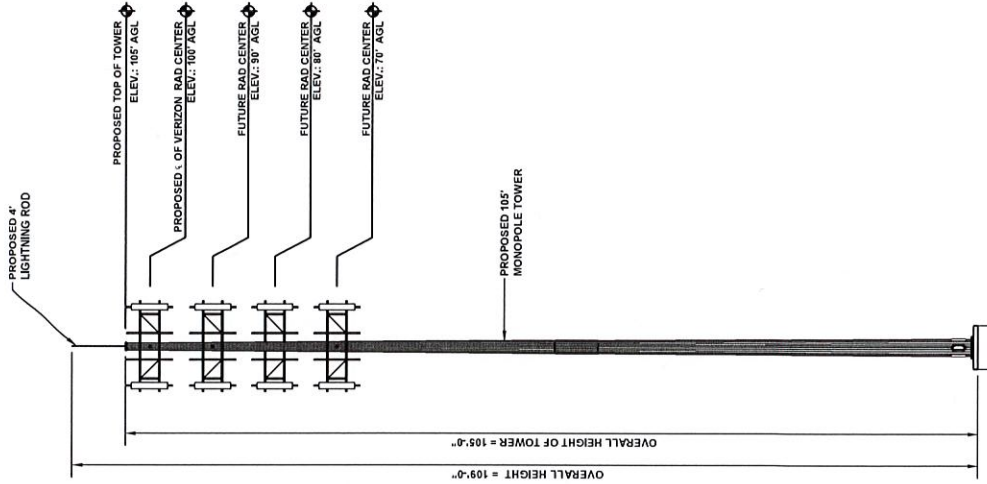
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**PRELIMINARY
DRAWING**
(NOT VALID UNLESS
STAMPED AND SIGNED)

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE
REGISTERED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

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

CITY SWITCH

SMW
ENGINEERING GROUP, INC.
FOUNDER: BLANKINSHIP & SUTTER FOUNDATION
159 BUSINESS CENTER DRIVE
BIRMINGHAM, AL 35244
TEL: 205-452-1990 www.smweng.com

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 | 08/13/25 |
| F | JURISDICTION COMMENTS | KMM | 08/13/25 |

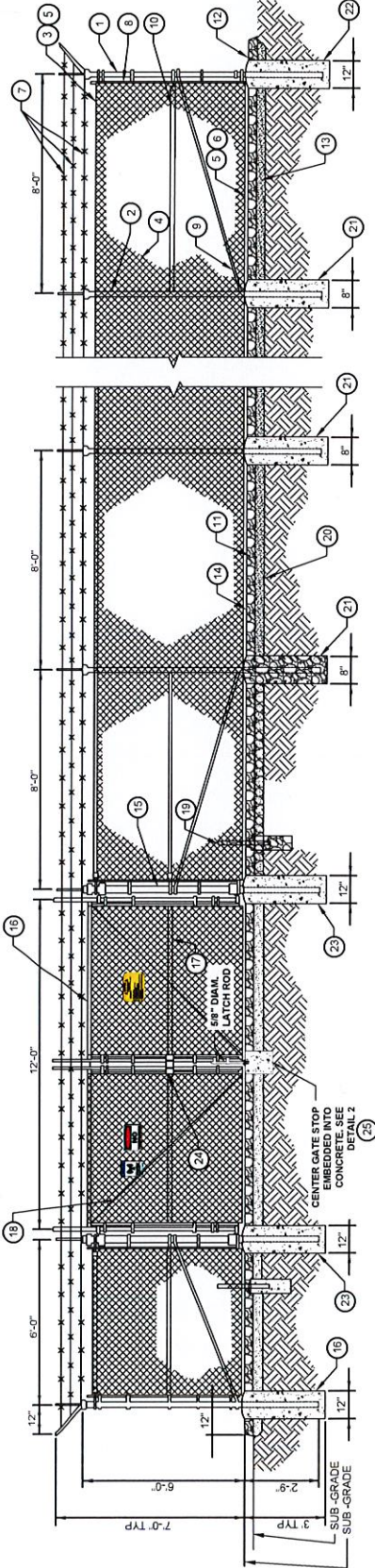
SEAL: CAM TX 148617

**PRELIMINARY
DRAWING**
(NOT VALID UNLESS
STAMPED AND SIGNED)

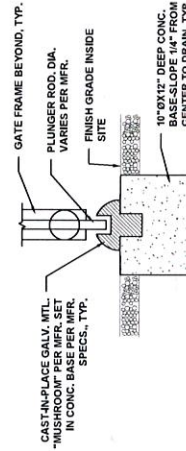
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE
A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

**CHAINLINK FENCE
DETAIL**

SHEET NUMBER
Z-5



1 CHAINLINK FENCE DETAILS
SCALE: NOT TO SCALE



2 GATE STOP DETAIL
SCALE: N.T.S.

GENERAL NOTES:

1. INSTALL FENCING PER ASTM F-567
2. INSTALL SWING GATES PER ASTM-900
3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED
4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE 1 1/2" GALV. (HOT DIP ASTM A120 GRADE "A" TYPE) ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL)
5. ALL OPEN POSTS SHALL HAVE END-CAPS
6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS
7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC
8. USE COMMERCIAL GRADE MATERIALS ONLY

REFERENCE NOTES:

1. CORNER END OR PULL POST 3" NOMINAL SCHEDULE 40 PIPE
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. TOP RAIL & BRACE RAIL 1 1/2" PIPE, PER ASTM-F1083
4. FABRIC 9GA CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM-A392
5. TIE WIRE MINIMUM II GA GALVANIZED STEEL AT POSTS AND CORNERS. MINIMUM 1/4" DIA. WIRE. END OF TIE WIRE SHALL BE BUSHED WITH 1/4" DIA. WIRE. TENSIONS WIRE BU HOG RINGS SPACED AX. AT 24" O.C.
6. TENSION WIRE 9GA GALVANIZED STEEL
7. BARBED WIRE DOUBLE STRAND 12 1/2" OD TWISTED WIRE TO MATCH WITH FABRIC 14GA. 4PT. BARBS SPACE ON APPROX. 5" CENTERS
8. STRETCHER BAR
9. 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD
10. FENCE CORNER POST BRACE 1 5/8" DIAZ. EACH CORNER EACH WAY
11. 1 1/2" MAXIMUM CLEARANCE FROM GRADE
12. 2" FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK
13. 4" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK
14. FINISH GRADE SHALL BE UNIFORM AND LEVEL
15. GATE POST 4" SCHEDULE 40 PIPE. FOR GATE WIDTHS UP THRU 7 FEET OR 4 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083
16. GATE FRAME 1 1/2" PIPE, PER ASTM-F1083
17. GATE FRAME 1 5/8" PIPE, PER ASTM-F1083
18. GATE DIAGONAL GALVANIZED STEEL 1 1/2" PIPE
19. DUCK BILL OPEN GATE HOLDER. VERIFY LOCATION IN FIELD PRIOR TO INSTALLATION
20. GEOMETRIES FABRIC
21. LINE POST: CONCRETE FOUNDATION (2000 PSI)
22. CORNER POST: CONCRETE FOUNDATION (2000 PSI)
23. GATE POST: CONCRETE FOUNDATION (2000 PSI)
24. STYME LOCK OR EQUIVALENT
25. MUSHROOM GATE STOP - DETAIL 2



SMW JOB#24-10826



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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SEAL
CMM TX F-5817

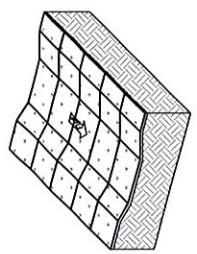
**PRELIMINARY
DRAWING
(NOT VALID UNLESS
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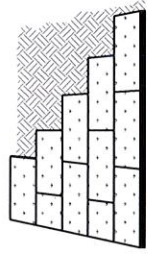
DETAIL

SHEET NUMBER

Z-6

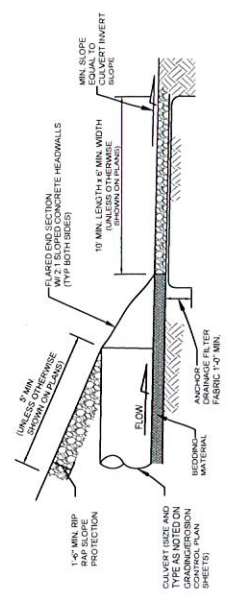


Lay sods across the direction of flow. Use sods as stakes to pattern and firm in the corners close to the center.

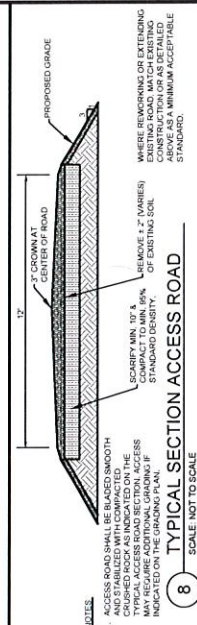


Lay sod in a staggered pattern with stripes butted tightly against each other.

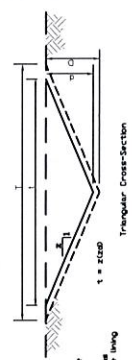
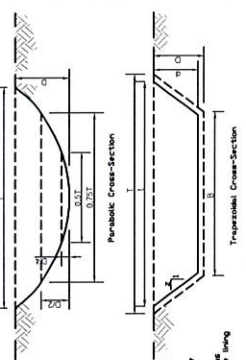
6 SODDING DETAIL
SCALE: NOT TO SCALE



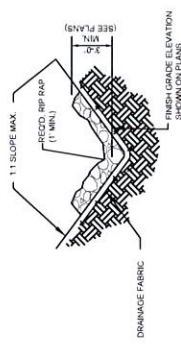
7 TYPICAL CULVERT OUTFALL DETAIL
SCALE: NOT TO SCALE
IF REQUIRED.



8 TYPICAL SECTION ACCESS ROAD
SCALE: NOT TO SCALE

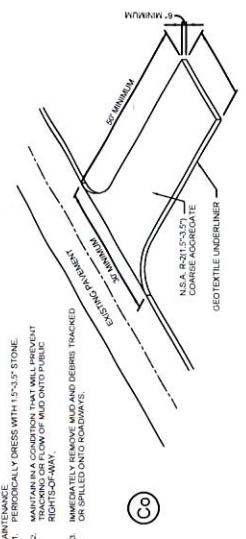


2 GRASS-LINED DITCH DETAIL
SCALE: NOT TO SCALE

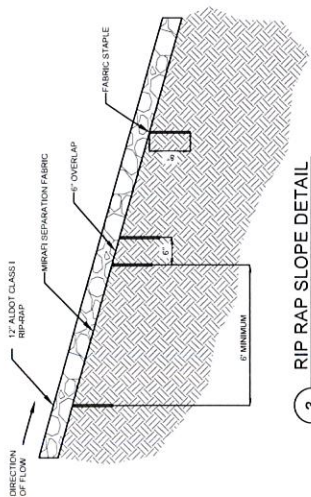


5 TYPICAL RIP RAP DITCH DETAIL
SCALE: NOT TO SCALE

- CONSTRUCTION EXIT - TO REDUCE OR ELIMINATE THE TRANSPORT OF MUD FROM THE CONSTRUCTION SITE TO ADJACENT AREAS, STREETS, ALLEYS, OR WATERWAYS, A CONSTRUCTION EXIT SHALL BE INSTALLED ON THE DOWN-SLOPE SIDE OF THE DISTURBED AREA. THE EXIT SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL BE CONSTRUCTED OF RIGID MATERIALS, SUCH AS CONCRETE OR STEEL, AND SHALL BE SLOPED TO DRAINAGE.
- TYPE C SEGMENT BARRIERS - TO PREVENT ANY SEGMENT OF THE PROJECT FROM BEING DISRUPTED BY CARRYING BY SHEET FLOW FROM LEAVING THE SITE, TYPE C SEGMENT BARRIERS SHALL BE INSTALLED AT THE DOWN-SLOPE END OF THE PROJECT. THE BARRIERS SHALL BE A MINIMUM OF 10 FEET WIDE AND SHALL BE CONSTRUCTED OF RIGID MATERIALS, SUCH AS CONCRETE OR STEEL, AND SHALL BE SLOPED TO DRAINAGE.
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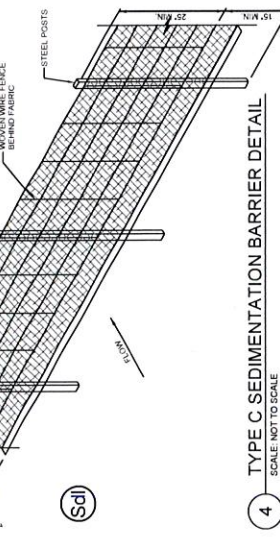


1 CONSTRUCTION EXIT DETAIL
SCALE: NOT TO SCALE



3 RIP RAP SLOPE DETAIL
SCALE: NOT TO SCALE

- MAINTENANCE
- 1. INSPECT BARRIERS AT THE END OF EACH WORKING DAY, OR AFTER EACH WORKING DAY, TO DETERMINE IF THE BARRIERS ARE IN GOOD CONDITION. IF THE BARRIERS ARE NOT IN GOOD CONDITION, THEY SHALL BE REPAIRED OR REPLACED.
- 2. REMOVE SEGMENT FROM BARRIERS WHEN TWO-THIRDS FULL. THE BARRIERS SHALL BE REPAIRED OR REPLACED.
- 3. REPAIR BARRIERS WITH VEGETATION. ENTER THE BARRIERS AND STABILIZE IT WITH VEGETATION.
- 4. REPLACE FILTER FABRIC WHEN DETEIORATED.
- 5. MONTHLY LIFE OF A SYNTHETIC BARRIER IS APPROXIMATELY 1/6 YEAR. THE BARRIERS SHALL BE REPLACED OR REPAIRED.
- 6. MONTHLY LIFE OF A SYNTHETIC BARRIER IS APPROXIMATELY 1/6 YEAR. THE BARRIERS SHALL BE REPLACED OR REPAIRED.
- 7. REMOVE BARRIERS AND ACCUMULATED SEDIMENT AND STABILIZE THE EXPOSED AREA WHEN THE PROJECT IS STABILIZED.



4 TYPE C SEDIMENTATION BARRIER DETAIL
SCALE: NOT TO SCALE

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 be 'W. Patton Hahn', written in a cursive style.

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

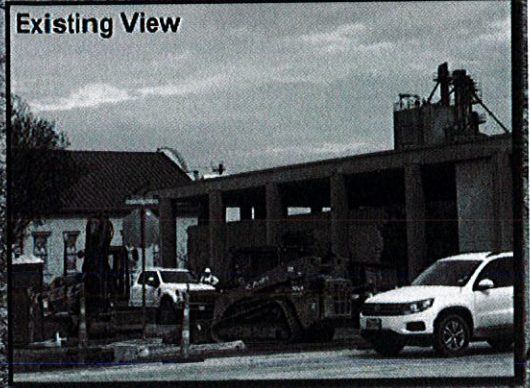
LOCKHART

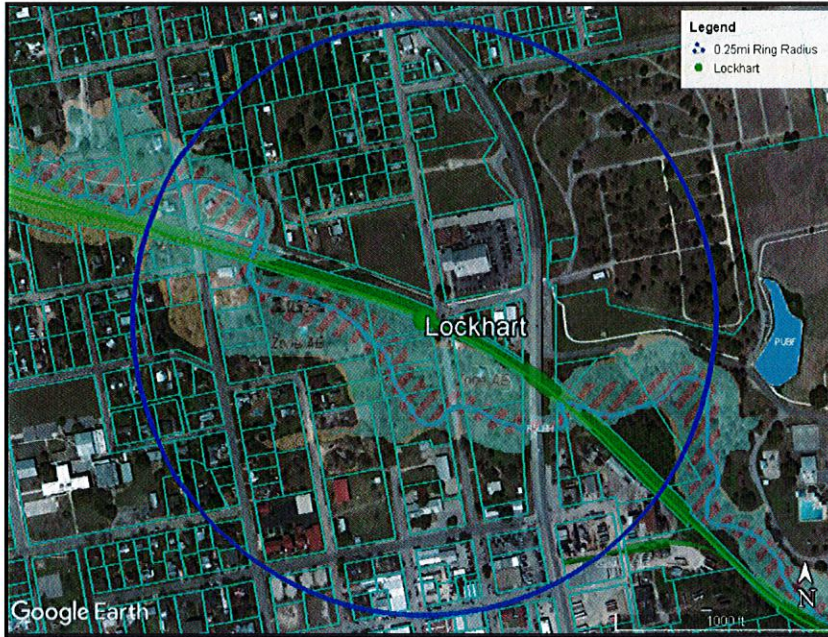
108 BRAZOS STREET
LOCKHART, TEXAS 78644

**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 |

Kevin Waller

From: Coyle, Joe <jcoyle@pyramidns.com>
Sent: Friday, September 5, 2025 3:25 PM
To: Kevin Waller
Subject: FW: City of Lockhart Zoning Board of Adjustment - CitySwitch Variance Application ZV-25-05
Attachments: 2025.09.05 - CitySwitch Letter to Lockhart ZBA - Variance Request(35715658.1).pdf

This email originated from an external sender. Please exercise caution before clicking on any links or attachments.

Kevin,

We would request to please continue our hearing to the October ZBA date to give the attorneys some time to discuss the issues brought up in the attached letter.

Thank you,

Joe Coyle

Project Manager

Mobile: (773) 844-9759

Fax: (315) 445-0653

jcoyle@pyramidns.com



5845 Widewaters Parkway, Ste.100, East Syracuse, NY 13057

From: Melissa K. Reagan <MKReagan@hollandhart.com>

Sent: Friday, September 5, 2025 2:31 PM

To: kwaller@lockhart-tx.org; brad@txmunicipallaw.com

Cc: Coyle, Joe <jcoyle@pyramidns.com>; Suriano, Jay <jsuriano@pyramidns.com>; Kris Boyce <kris.boyce@cityswitch.com>

Subject: [EXTERNAL] City of Lockhart Zoning Board of Adjustment - CitySwitch Variance Application ZV-25-05

Dear Mr. Waller and Mr. Bullock-

Please see the attached letter in support of CitySwitch's variance request for setback reductions related to its permitted use application for its freestanding wireless tower.

Please let me know if you have time to discuss this matter today.

Thank you,

Melissa



Melissa K. Reagan
Partner
Phone 303.295.8356
MKReagan@Hollandhart.com

September 5, 2025

VIA EMAIL (KWALLER@LOCKHART-TX.ORG)

Zoning Board of Adjustment
c/o Kevin Waller
Municipal Building
308 W. San Antonio Street
Lockhart, TX 78644

**Re: CitySwitch's Variance Application for Wireless Communications Facility
Setback Requirements
Application No.: ZV-25-05
Parcel No.: 17032
Property Address: 108 Brazos St., Lockhart, TX**

Dear. Zoning Board of Adjustment:

Our firm is counsel to CitySwitch. CitySwitch submitted an application to construct a new freestanding wireless telecommunications facility in the City of Lockhart, Texas on parcel 17032, 108 Brazos St., Lockhart, TX (the "Property"), which is owned by Lockhart Gin Co. ("Landlord"). CitySwitch proposes to construct a one-hundred five-foot (105') tower with a four-foot (4') lightning rod on the Property owned by the Landlord, who will lease CitySwitch the necessary space for the tower and related ground equipment. CitySwitch submitted its permit application packet including all information and documents ("Application") required under the applicable sections of the City of Lockhart, Texas Code of Ordinances ("City Code"). As part of its Application, CitySwitch is requesting a variance for a reduction in setback requirements from the base on the tower to the parcel lines as set forth in the City Code ("Variance").¹

For the reasons set forth below and, in its Application and supporting materials, CitySwitch respectfully requests the Zoning Board of Adjustment approve its Variance. If the setback Variance is granted, it will allow wireless service provider(s), including Verizon Wireless, to provide and/or improve wireless services and offload coverage and capacity from existing sites. Verizon Wireless'

¹ CitySwitch also requested a variance for from Sections 64-197(g)(1)(e)(2) and 64-202(h) that requires the tower to have direct access to a public street provided by a driveway meeting city standards, which includes that the access driveway be paved. CitySwitch will withdraw its request for a variance and agree to pave the driveway with asphalt.

RF propagation maps and capacity charts show this tower, at 105', is critical in Lockhart for its residents, businesses, and emergency service responders to have viable wireless services. And, as the City's own Staff Report admits, without the setback Variance, CitySwitch will have to "drastically reduce the height of the tower" which will result in a "tower woefully inadequate for its intended use" – e.g., it will effectively prohibit the deployment of wireless services and violate the federal Telecommunications Act and the Federal Communication Commission's 2018 Order.

A. Application Background

The Facility will be located 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 City Code except for the setback requirements in subsection (j), which require CitySwitch to obtain a variance in accordance with Section 64-129 of the Ordinance.

On August 18, 2025, CitySwitch submitted its Application for the Facility and Variance for the setback requirements. Attached as Exhibit 3 to the Application was a letter from Sabre Industries' Senior Engineer regarding the design of the monopole and its safety factors in the event of a fall. A copy of this letter is attached for reference as **Exhibit A**. Notably, the letter states that the fall radius of the tower is "*less than or equal to 40 feet.*" *Id.* As part of its Application, CitySwitch provided a detailed letter that establishes its Variance request meets all six variance conditions outlined in Section 64-192(a) of the Ordinance. A copy of this letter is enclosed for reference as **Exhibit B**.

Additionally, CitySwitch reduced the height of the Facility from 150' to 105' to comply with the City's Code requirements that the Facility not be visible from the county courthouse property in compliance with the requirements in Section 64-202(j) of the Code. This, in turn, reduced the Variance for the setbacks and limited the fall zone of the Facility to well within all parcel lines of the Property.

CitySwitch selected this site because of its location within a heavy industrial area that is not densely populated and is surrounded by railroad tracks and significant amount of vacant, undeveloped land. All adjacent properties are zoned agricultural-open, public institutional, industrial, or commercial, and the reduction in setback will not affect any residential dwellings. No adjacent properties are residential.

B. The City Code's Setback Requirements

Section 64-202 of the City Code requires:

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.

C. CitySwitch's Variance Application

1:1 Setback Requirement (from base of tower to parcel line): The proposed Facility will be setback by a distance greater than the height of the tower around the entire parcel except for to the western and north-eastern property lines as shown the site drawings attached as Exhibit 2 to the Application. The Application does not meet the setback requirements on the western property line and the north-eastern property line due to the parcel size and required location of the tower. The tower will be located 46' from the west property line and 77' from the east property line. The parcel is only 1.37 acres in size. 1.37 acres does not easily allow for 100-to-200-foot setbacks, even if it were undeveloped, when 1 acre is approximately 208 feet by 208 feet. The Property has existing industrial buildings and several 18-wheelers that are used for the Landlord's existing business. Thus, the tower can only be located at a certain location of the Property.

2:1 Setback Requirement (from base of tower to any residential dwelling or residential zoning district): The proposed Facility will be set back over 400' from the nearest residential dwelling. However, the proposed location of the Facility on the Property does not meet the required setback for the base of the tower to a residential zoning district by approximately 42'. Notably, the setback from the residential zoning district ends in the middle of a four-lane highway. It is unclear why CitySwitch needs to meet a setback for a residential dwelling zone that extends into the middle of a highway. At no point will there be any residential development in the middle of the highway. Moreover, the setback will end right before the highway based on CitySwitch's variance request.

CitySwitch respectfully requests a variance to reduce the required setbacks as follows:

- 105' to 46' feet from the west parcel line of the Property;
- 105' to 77' feet from the east parcel line of the Property;
- 210' to 168' feet from the residential dwelling zone to the west parcel line of the Property;

As set forth in CitySwitch's August 18, 2025 letter (**Exhibit B**), these reductions in setbacks are necessary and meet the factors set forth in Section 64-129(a) of the City Code:

- **Unique Conditions of the Property:** The shape and size of the Property, along with the location of long-standing structures, limits the siting options for the proposed tower and therefore creates conditions unique to the property in meeting standard setback requirements while maintaining effective wireless coverage.

- **Nature of Hardship:** These setback requirements will deprive CitySwitch of its right – a permitted use by right – to deploy new freestanding wireless facilities on this IH zoned property and other IH zoned properties. As set forth in detail below, this site and any other viable site in the search ring for this new wireless facility will require a setback variance due to the small parcel sizes and necessary tower height to provide and improve wireless services. Further, wireless facilities are an integral part of the City’s telecommunication infrastructure and a benefit to the public good.
- **Financial Gain / Financial Hardship:** This Variance is not sought for an increased financial gain from the use of the property or to reduce personal hardship. The proposed Facility at 105’ is necessary to provide and improve wireless services to the City of Lockhart. The Facility will provide improved wireless coverage and capacity, supporting economic development and public safety communications in the area. *See Exhibit C.*
- **No Detriment to Public Health, Safety, or Welfare:** The reduced setback will not compromise safety or negatively impact neighboring properties. Additionally, and most importantly, CitySwitch provided a Fall Zone Letter from the company that designs the tower that will be installed, which expressly states the tower’s fall radius is “less than or equal to 40’.” **Exhibit A.** The fall radius is limited to within the parcel lines of the Property. And the proposed Facility will enhance public safety by improving wireless communications coverage, including emergency services communications.

The reduction in setbacks will not affect any adjacent properties as the fall radius is within the existing parcel, nor will the reduced setbacks impact any residential properties. To the west of the tower base is vacant, undeveloped land and to the north-east there are vacant land and railroad tracks. The railroad tracks also are excluded from the fall zone radius.

- **Minimum Variance Necessary:** The requested setback reduction represents the minimum variance necessary to improve Verizon Wireless’ wireless service and offload traffic from existing facilities while respecting the character of the surrounding area.

D. Staff Report dated Sept. 2, 2025

CitySwitch received the Staff Report for its variance application on September 3, 2025. The staff recommendation is “denial of the setback reductions and driveway/parking area.” The Staff Report identifies each of the variance requirements and the evidence presented by CitySwitch:

- **Unique Conditions of Property:** The staff acknowledges 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 therefore creates conditions unique to the property. Yet, “Staff does not find that these conditions, however, are sufficient to warrant approval of a variance.” The Staff Report provides no explanation as to why this is not sufficient for the setback requirement. It focuses solely on the variance for the driveway and parking area material.

- **Nature of Hardship:** Staff states “Neither increased financial gain nor reduced financial hardship to the applicant would result from the approval of the setback elements of the variance... 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.” Whether there is any practical hardship is not the appropriate standard.
- **Effect on Surrounding Property and Public Safety:** The Staff Report expressly finds that the tower will be designed so that any failure or collapse would occur within a 40-foot fall zone radius and would not affect surrounding properties or structures, nor will it impact the railroad tracks located to the east of the property.

Under the Compliance with Variance Criteria Section, the Staff Report merely states “Staff believes that the variance requests to both seek the setback reductions and parking material be denied, as further detailed below.” As for “Alternative Solutions”, the Staff expressly admits in writing “*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 the tower woefully inadequate for its intended use.*” In its “Staff Recommendation Rationale”, the report goes on to state “As to the setback variance, the applicant cites the shape and size of the property, in addition to the location of a nearby structures, as grounds for an approval, in addition to the 40-foot fall-zone radius in the event of the tower’s collapse. While the Staff appreciates that any failure of the tower should not impact the surrounding properties or structures, the comprehensive information and materials presented by the applicant are not grounds for a variance.” However, the Staff Report fails to identify any basis as to why the “comprehensive information and materials” are not grounds for a variance.

E. Federal Law Governing Deployment of Wireless Facilities

The Federal Telecommunications Act (the “Telecom Act”) preempts any local regulation that has the effect of prohibiting the provision of personal wireless services. *See* 47 U.S.C. § 332(c)(7)(B)(i)(II). Section 332(c)(7)(B)(i)(II) expressly states, “the regulation of the placement, construction, and modification of personal wireless service facilities by any state or local government or instrumentality thereof- shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”

The FCC's 2018 Order² designated the test for "effective prohibition" under 47 U.S.C. § 332(c)(7)(B)(i)(II) as to whether the action by a local jurisdiction will "materially inhibit" the provision of services as outlined in the 2018 Order. As of the 2018 FCC Order, the new standard to assess whether a permit denial is improper under 332(c)(7) is whether it "materially inhibits" a provider's ability to "compete in a fair and balanced legal and regulatory environment" or improve its wireless service. If so, then there is an effective prohibition under the Act. Improving wireless service is broadly defined and includes not only "filling a coverage gap" but also "densifying a wireless network, introducing new services or otherwise improving service capabilities." By the FCC's 2018 Order, a legal requirement need not be insurmountable to materially inhibit the provision of wireless service.

Further, under 47 U.S.C. § 332(c)(7)(B)(iii), "any decision by a state or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record."

F. A Denial of the Variance Constitutes an Effective Prohibition of Wireless Services as CitySwitch's Proposed Facility is Necessary to Provide and Improve Wireless Services

As the City's own Staff Report admits, without the setback Variance, it will result in a reduction in tower height that and a "tower woefully inadequate for its intended use" – e.g., it will effectively prohibit the deployment of wireless services and violate the federal Telecom Act and FCC 2018 Order.

In recent years, the demand for reliable wireless services has grown exponentially due to increased usage of smartphones, tablets, and other connected devices. Machine to machine communications will also increase the data burden on wireless networks over the next five (5) years. This demand is coupled with the necessity for advanced communication networks to support emergency services, educational institutions, businesses, and residential communities. Unfortunately, the current infrastructure is insufficient to meet these growing demands, resulting in coverage gaps and slower service.

Wireless service providers have radio frequency engineers that conduct detailed technical analyses to determine where wireless facilities must be installed to provide the reliable coverage needed to address the topographical and technological limitations involved in the provision of wireless services in an area. Here, such testing and analysis were conducted around the proposed Facility. CitySwitch provided Verizon Wireless' RF propagation maps and capacity graphs. These maps and graphs demonstrate that the wireless facility to be located on the tower will provide coverage and improve wireless services significantly over a 3-mile radius around the Facility. As the City is aware, there is a need to increase accessibility and improve wireless service in this area and the entire City. Additionally, Verizon Wireless, one of the wireless service providers that will

² *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order*, FCC 18-133 adopted September 27, 2018 ("2018 FCC Order").

use the Facility, provides wireless services for emergency services.

In its Application, CitySwitch provided Verizon Wireless' engineering necessity case. A copy of Verizon Wireless' Necessity Case is attached again for reference as **Exhibit C**. 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 towards 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 a good job of moving traffic onto a more localized site, better able to serve this area.

Exhibit C at 2.

A 105' tower at the proposed location allows Verizon Wireless and other potential wireless providers to significantly improve wireless services and provide the following benefits:

- **Improved Coverage and Capacity:** Verizon Wireless' propagation maps show the coverage with and without the proposed Facility – e.g., the existence or lack of service in the area. *See Exhibit C at 7-8.* The proposed height of 105' is needed so as to provide the best wireless coverage between the two existing sites, provide the most in-building and in-vehicle coverage in a larger radius, to not materially inhibit the deployment of wireless services, to allow for collocation of other wireless service providers, and to limit the number of other wireless facilities/towers that may be required.

Further, the proposed wireless facility 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. *Exhibit C at 9-10.*

By allowing the Tower to reach 105' feet above the current height limitation, we will be able to provide comprehensive coverage that reduces dead zones and enhances signal strength, ensuring residents, businesses, and emergency services have access to fast and reliable communications. This Tower with Verizon Wireless' wireless facility will provide comprehensive wireless services in an area which currently has limited to no wireless services including coverage and capacity. *See Exhibit C.* An additional tower with Verizon Wireless' wireless facility in Lockhart is necessary to provide and improve wireless services, as use of existing towers at lower heights are overloaded and cannot provide sufficient services, leaving gaps in wireless services for Lockhart residents and emergency service providers. *See id.* The tower is intended to permit co-

location of up to three additional wireless service providers, further decreasing the number of WCFs required in Lockhart. *See Exhibit 2 to Application, Site Drawings.*

- **Collocation of Other Wireless Providers:** In addition to providing the most improvement to wireless services, the tower with the 105' RAD center likely will limit the need for additional towers in the area as three other wireless providers can collocate on this Tower.
- **Support for Emergency Services:** Reliable wireless service is critical for effective emergency response. Improved infrastructure will aid first responders in maintaining seamless communication during emergencies, potentially saving lives and enhancing public safety.
- **Economic Growth:** An enhanced wireless network will attract new businesses and facilitate commercial activities, driving economic growth and fostering job creation in the community. This tower with wireless facility(ies) will serve the offices and commercial uses surrounding the area as well as the entire City of Lockhart and any future growth, while offloading the coverage and capacity of existing facilities to allow those facilities to provide improved wireless services.
- **Educational Services:** Schools and educational institutions rely on robust wireless services for digital learning platforms and communications. Improved infrastructure will support these initiatives, providing students and educators with the necessary tools for a modern educational experience.

We understand that setback restrictions are in place to address potential safety issues (e.g. so the tower does not fall into neighboring properties) and environmental considerations and maintain aesthetic values. However, as demonstrated by the Fall Zone letter and other information regarding the location of the Proposed Facility, the proposed Variance for the setback requirements will **not** impact adjacent parcels or nearby residential properties. *See Exhibit A.*

It is becoming increasingly difficult to deploy wireless facilities in areas with the highest demand for wireless services, in and around densely populated areas. By granting this Variance request, it will allow CitySwitch and its wireless provider tenants to deploy facilities near densely populated commercial, mixed use, and residential areas (the areas with the highest demand) without having to locate facilities directly within these areas.

G. A Denial of the Variance Is Not Supported by Substantial Evidence in the Record

The Staff Report is void of any substantial evidence in the record as to why the setback variance should not be granted and, thus, violates federal law. 47 U.S.C. § 332(c)(7)(B)(iii). Indeed, the most the Staff Report can say based on the evidence in the record is that the property will still be financially viable because of its existing use. It completely ignores the unique conditions of the property's size and shape, and the evidence of the fall zone letter that

demonstrates there will be no impact on surrounding properties. Moreover, the Staff Report also fails to acknowledge the need for the wireless facility and the significant benefits the proposed wireless facility will bring to the City.

In its “Staff Recommendation Rationale”, the report provides a strong rationale for why the setbacks are needed and that there will be no safety impact. “As to the setbacks variance, the applicant cites the shape and size of the property, in addition to the location of a nearby structures, as grounds for an approval, in addition to the 40-foot fall-zone radius in the event of the tower’s collapse. While the Staff appreciates that any failure of the tower should not impact the surrounding properties or structures, the comprehensive information and materials presented by the applicant are not grounds for a variance.” However, the Staff Report fails to identify *any basis* as to why the “comprehensive information and materials” are not grounds for a variance. This is an insufficient basis to deny the Variance request under the federal Telecom Act. 47 U.S.C. § 332(c)(7)(B)(iii).

H. Availability of Alternative Sites

Section 64-102(d) of the Ordinance requires that the Applicant for a new freestanding tower provide an inventory of its existing towers within the City, and the City will only approve a building permit for new freestanding towers if 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.

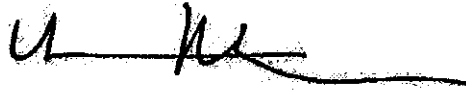
Notwithstanding that wireless facility providers are no longer required to demonstrate the proposed facility is the least intrusive alternative under federal law, CitySwitch provided evidence with its Application that there are no alternative locations available for its proposed Facility within its geographic search ring. There are no existing towers, buildings, or other structures of sufficient height within its geographic search ring as shown on **Exhibit 4** to the Application. Verizon Wireless, a tenant on the proposed Facility, demonstrated the height required to provide improved wireless services and offload coverage and capacity from two existing sites. *See Exhibit C.*

Further, there are no other parcels available within the geographic search ring that are viable sites for the proposed Facility. A significant portion of the search ring is located in a flood zone. Another portion of land within the search ring is a City Park, which under Section 64-102(f), wireless facilities are only permitted upon approval of the City Council. It is CitySwitch’s understanding that the city is not willing to approve a wireless facility in the park. For the remaining parcels outside the flood zone and City property, they all would require a variance to meet the setback requirements due to the small parcel sizes. Further, several of the parcels are located in dense commercial areas. And CitySwitch inquired with St. Mary’s Church about locating the Facility on its property, and the Church did not respond.

Based on the evidence in the record, if the Variance is not approved, it will materially inhibit the ability for wireless providers including Verizon Wireless to improve its wireless services and, thus, violate federal law. We respectfully request that the Zoning Board of Adjustment grant CitySwitch's Variance related to setbacks. We are eager to work collaboratively with community stakeholders and local officials to address any concerns and ensure that this project benefits the community. Thank you for considering this request.

I plan to attend the Zoning Board of Adjustments hearing on Monday evening. In advance of the meeting, please feel free to contact me directly at 303-295-8356 or mkreagan@hollandhart.com for any additional information or if you have any questions.

Sincerely,



Melissa K. Reagan
Partner
of Holland & Hart LLP

Enclosures

cc: Brad Bullock, City Attorney (via email)
Kris Boyce, CitySwitch (via email)
Joe Coyle, Pyramid Network (via email)
Jay Suriano, Pyramid Network (via email)

35710134_v1

EXHIBIT A

June 9, 2025

Tim Cook
CitySwitch

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

Dear Mr. Cook,

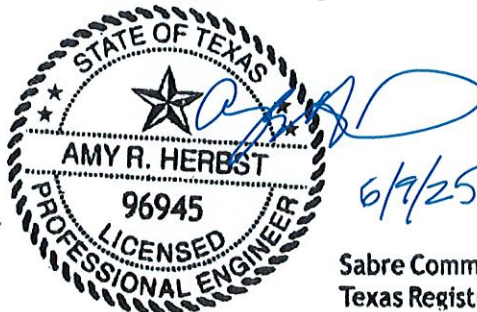
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for an Ultimate Wind Speed of 110 mph without ice and 30 mph + 1" ice, Risk Category II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard 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

EXHIBIT B



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.

EXHIBIT C

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, ACCOSTA 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:

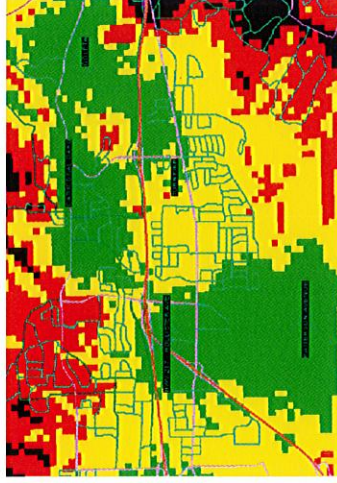
Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility (WCF). Most WCF provide a mixture of both capacity and coverage for the benefit of the end user.

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.

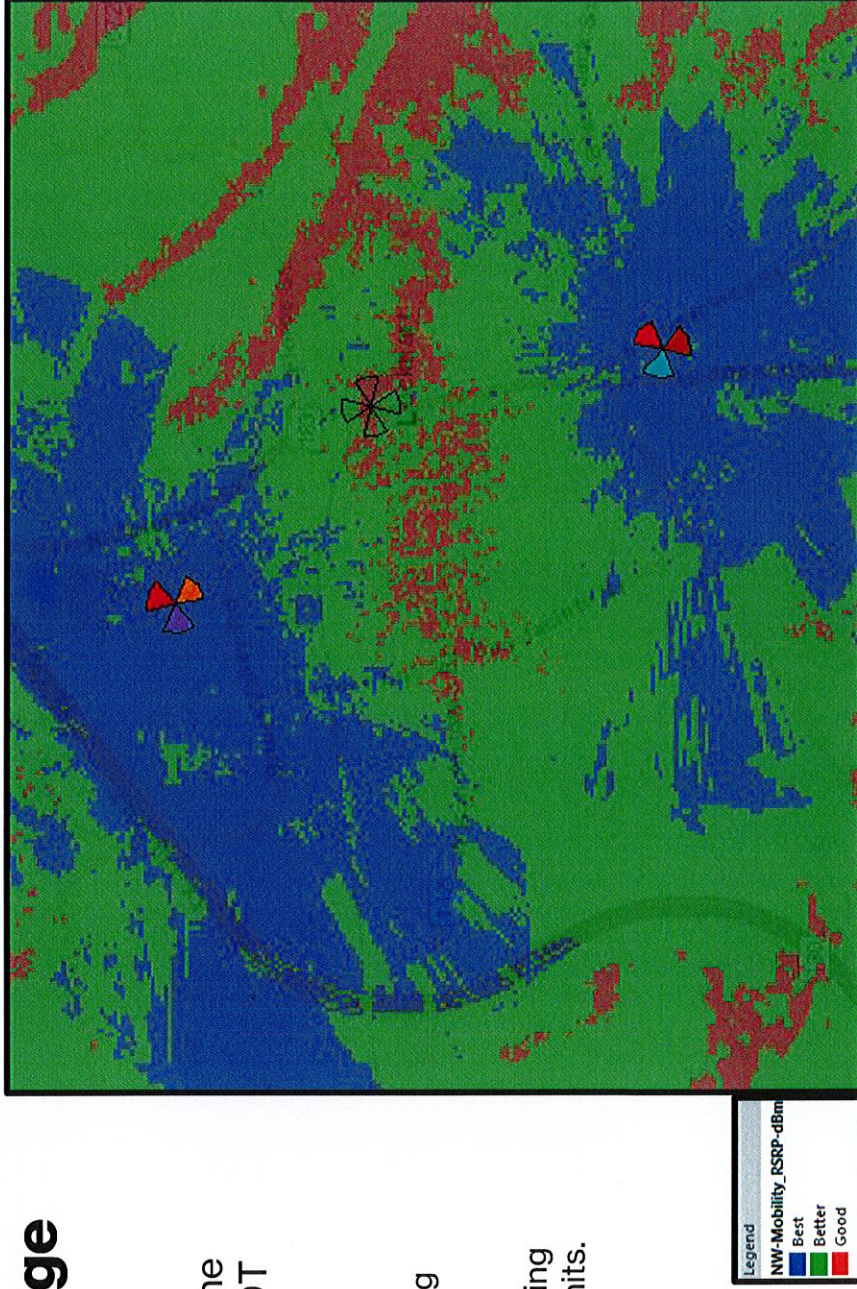


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Current Coverage

Current coverage near the proposed LOCKHART_DT site:

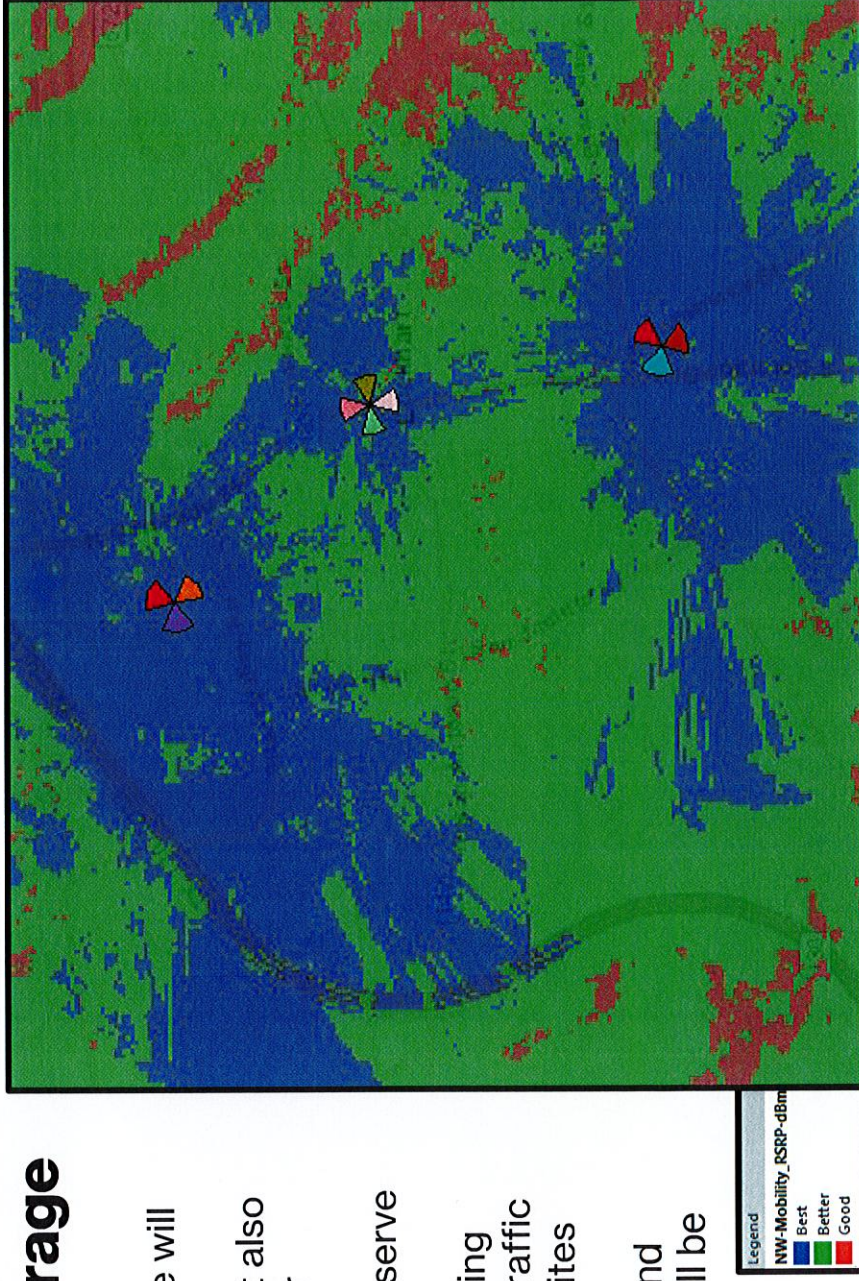
The LOCKHART_DT site is situated between two existing sites, LOCKHART and ACOSTA. Both of these sites are trending toward Verizon's capacity limits.



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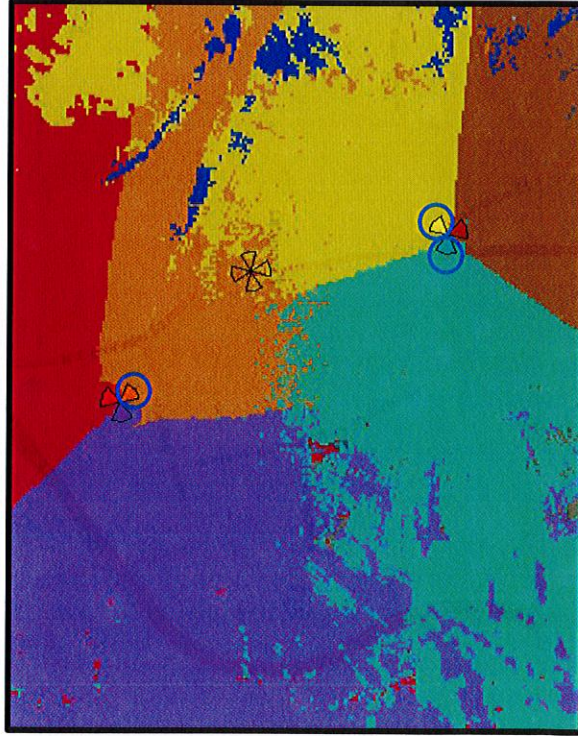
Proposed Coverage

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.

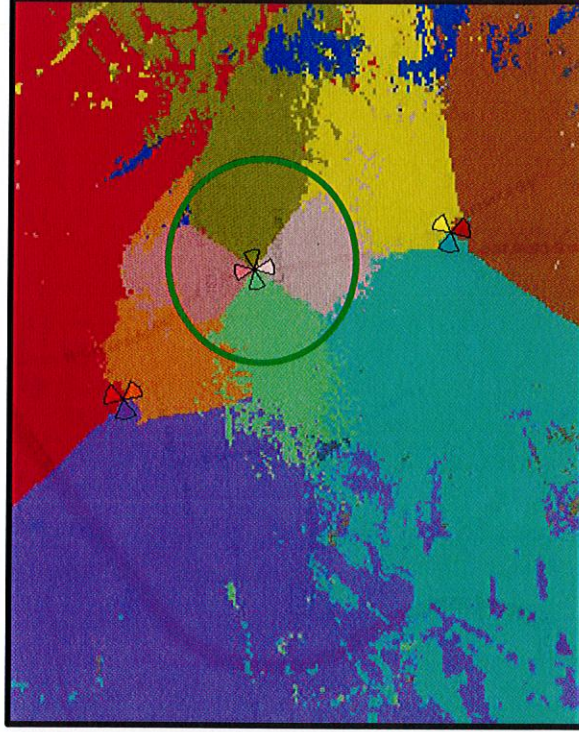


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Serving Sector Maps



Best Server without LOCKHART_DT



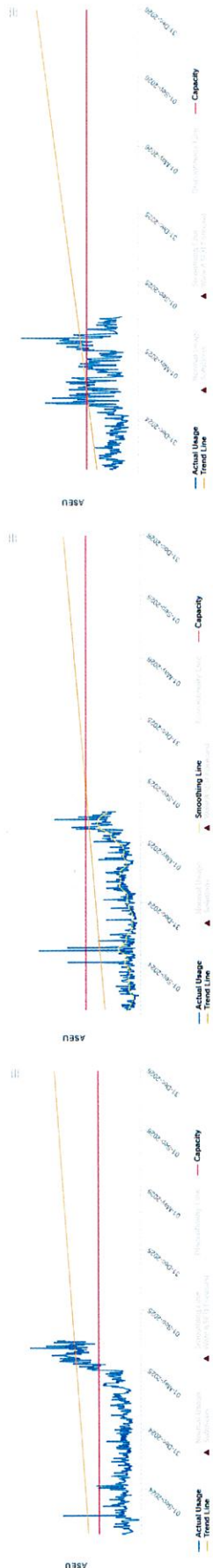
Best Server with LOCKHART_DT

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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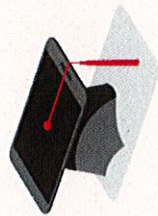
Verizon Wireless

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

We believe technology can help solve our biggest social problems.

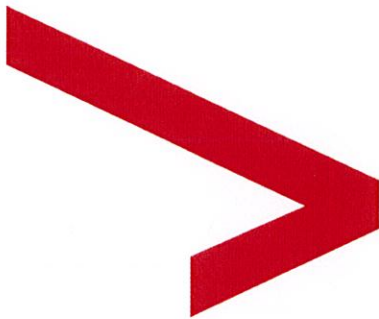
We're working with innovators, community leaders, non-profits, universities and our peers to address some of the unmet challenges in education, healthcare and energy management.

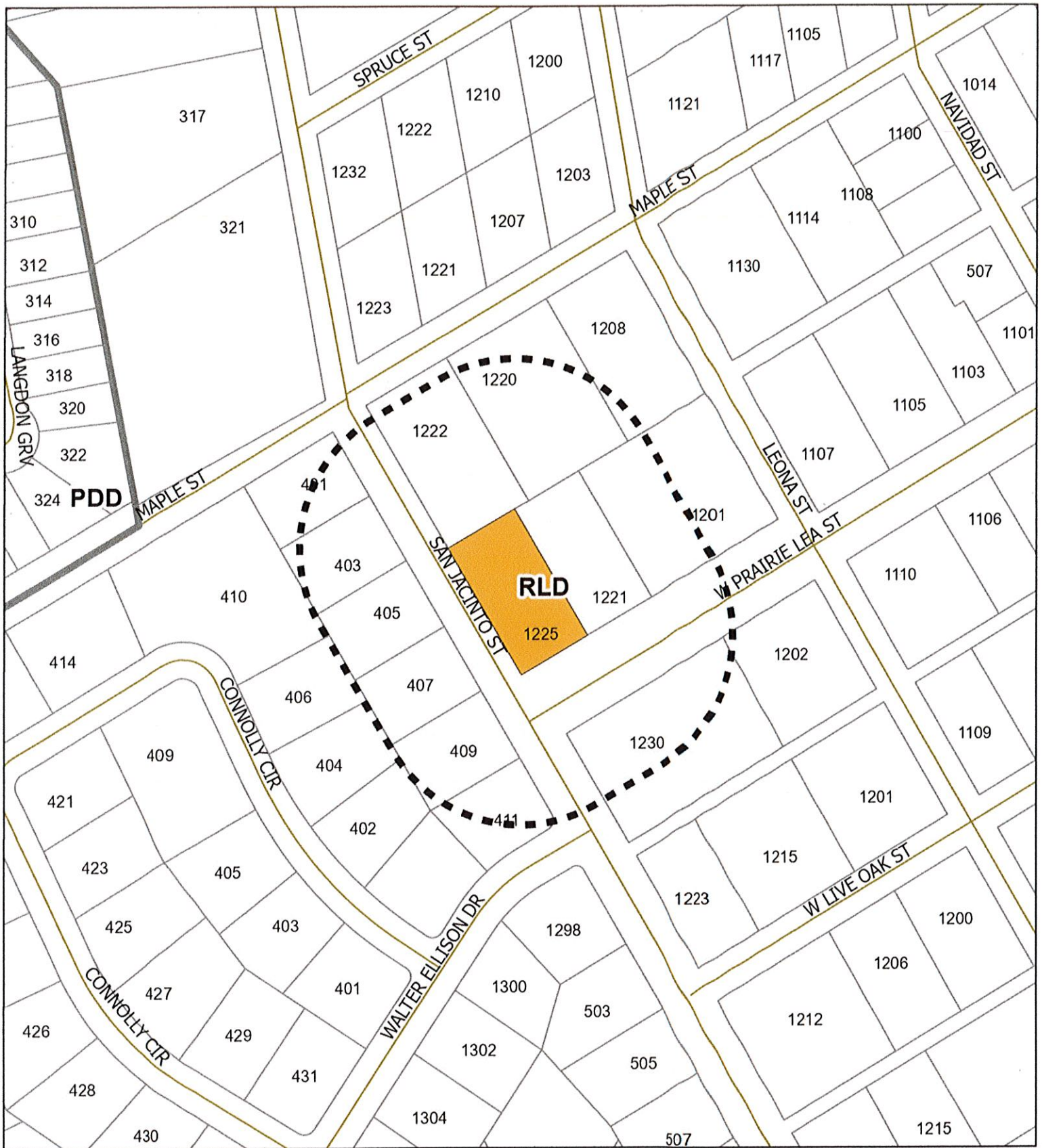
Learn more about our corporate social responsibility at www.verizon.com.



verizon[✓]

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FV-25-03

1225 W PRAIRIE LEA ST

ALLOW UNAPPROVED MATERIAL FOR FENCING



SUBJECT PROPERTY



ZONING BOUNDARY



200 FT BUFFER

Scale 1" = 200'



CASE SUMMARY

STAFF CONTACT: Kevin Waller, Senior Planner *KW*

CASE NUMBER: FV-25-03

REPORT DATE: September 29, 2025

PUBLIC HEARING DATE: October 6, 2025

APPLICANT'S REQUEST: Variance to Chapter 12, Article VIII "Fences", Section 12-486(a), to allow a sheet-metal fence along the rear and side-street property lines

STAFF RECOMMENDATION: ***Approval***

CONDITION: Any future, substantial reconstruction of the fence must meet all City standards, including material type

BACKGROUND DATA

APPLICANTS AND OWNERS: Mike and Sharyl Lane

SITE LOCATION: 1225 West Prairie Lea St.

LEGAL DESCRIPTION: Lot 1, Block A, Trammell's Revised Second Addition

SIZE OF PROPERTY: 0.46 ac.

EXISTING USE OF PROPERTY: Single-family residence

ZONING CLASSIFICATION: RLD (Residential Low Density)

ANALYSIS OF ISSUES

REASON FOR REQUESTED VARIANCE: City Staff recently discovered a privacy fence on the subject property that contains a sheet-metal material, in addition to the primary wood material. Sheet-metal is not listed as a permitted material according to Section 12-486(a) of the Fence Ordinance, and is also listed as a prohibited material per Section 12-486(b). The applicant informed Staff that a permit was never applied for when the fence was erected in May 2017, due to a previous conversation with the former Building Official in which the applicant was informed that a permit was not required since he was replacing the fence in the same location with the same material. However, since the fence replacement is not the same all-wood material that existed previously, nor is the sheet-metal portion of the fence a permitted material, approval of a Fence Variance and building permit is necessary in order for the fence to remain as is. According to the site plan and a visit to the property on September 19, 2025, the fence is located along the approximate north 96 feet of the side-street (west) property line along San Jacinto Street, and along the entirety of the rear property line. The fence's overall height is 6 feet 4 inches, with the sheet-metal material consisting of the upper 2 feet 1 inch of the overall height. In contrast, an all-wooden fence is located along the east property line.

AREA CHARACTERISTICS: The property is located within an established single-family residential neighborhood zoned RLD. Although sheet-metal is a prohibited material, the Board approved a fence constructed entirely of sheet-metal in July 2025, also within a single-family residential neighborhood, with the conditions of a four-foot height and a maximum 50% opacity level within the front-yard setback. Regarding the subject property, the sheet-metal fence is not located within the front-yard setback and is therefore not subject to the height and opacity restrictions noted above.

UNIQUE CONDITIONS OF PROPERTY: The applicant states in the application that the property's location along San Jacinto Street, which is a high-traffic street at this location, presents a condition unique to the property such that the additional privacy afforded by the sheet-metal fence material is warranted. Although Staff does not consider proximity to a busy street to be a unique condition to justify a prohibited fence material, the longstanding nature of the sheet-metal material, having been in place for more than 8 years, could be considered a condition unique to the property.

NATURE OF HARDSHIP: The construction of the fence with a sheet-metal material is considered a self-created hardship. There is nothing that would have prevented the fence, when reconstructed in 2017, from meeting the standards of the Fence Ordinance, including the utilization of a material permitted in Section 12-486(a). Although the sheet-metal fence material was constructed by the current property owner, it has been in place for more than 8 years without any known adverse impacts to surrounding properties or public safety, as discussed below. With regard to the financial element of hardship, neither increased financial gain nor reduced financial hardship has occurred as a result of the use of the sheet-metal material.

EFFECT ON SURROUNDING PROPERTY AND PUBLIC SAFETY: According to the applicant's statements in the application materials, the fence has not caused any issues or complaints from neighbors or the public, but instead has received positive feedback. Staff concurs that no known adverse impacts relating to public health and safety for traffic and nearby properties have been documented since the sheet-metal material was added to the fence. Any hazards related to glare from this material would be minimal, given the north-facing and southwest-facing orientations of the fence toward traffic along San Jacinto Street, as well as the mature tree cover on both sides of the street at this location. It should also be noted that the sheet-metal material only represents the upper, approximate one-third of the total fence height, with the majority of the fence consisting of an approved wooden material commonly found in a residential zoning district.

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 attached written explanation as evidence in support of the variance.

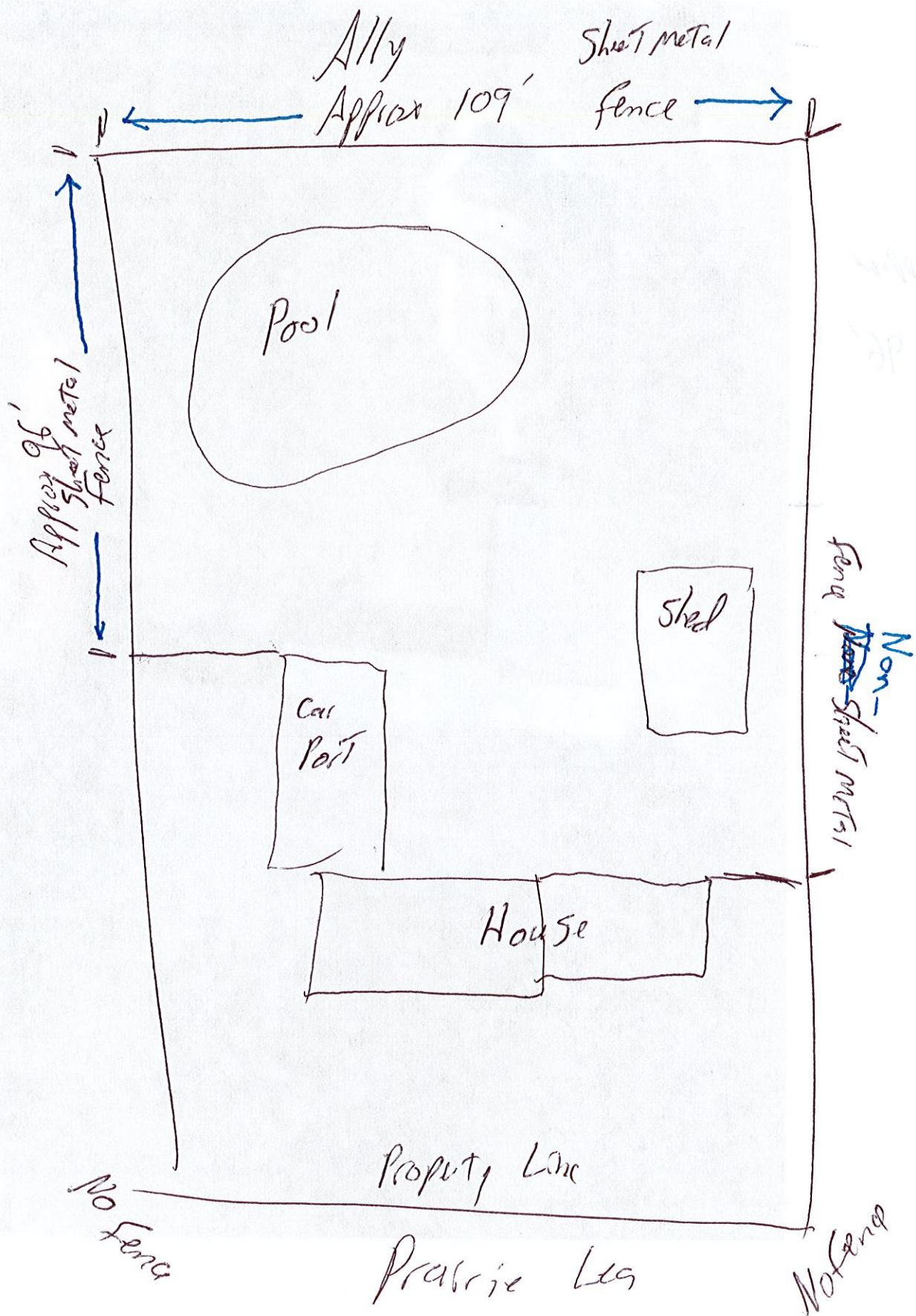
ALTERNATIVE SOLUTIONS: Alternative solutions would either include removing the sheet-metal portion of the fence, and/or replacing this material with a permitted fence material up to the maximum allowed 8-foot height (Section 12-490(1-2)), both of which would negate the need for the variance.

PRECEDENT: The Board approved a similar variance request (FV-25-01) for a sheet-metal fence in July 2025, noted above, located at 622 South Guadalupe St., which might have set a precedent for the current proposal. In any event, it should be noted that variances are considered strictly on a case-by-case basis.

RESPONSE TO NOTIFICATION: Two phone calls were received with regard to the variance proposal, one on September 23, 2025, and the other on September 25. Each caller inquired as to the nature of the request, and then stated that they did not object to the variance.

STAFF RECOMMENDATION RATIONALE: Staff recommends **approval** of the variance request. The sheet-metal material has been in place for more than 8 years, without any known adverse impacts to neighboring properties or to public health and safety. This material only represents the upper one-third of the total fence elevation, with the remaining material being wood. It should also be noted that the applicant is allowed to repair the fence, if desired, in a like-for-like manner, including the sheet-metal material, if the variance is approved. If the variance is denied, the sheet-metal material would need to be removed. In any event, any substantial reconstruction of the fence must meet all City standards, including material type, which is a recommended condition of approval.

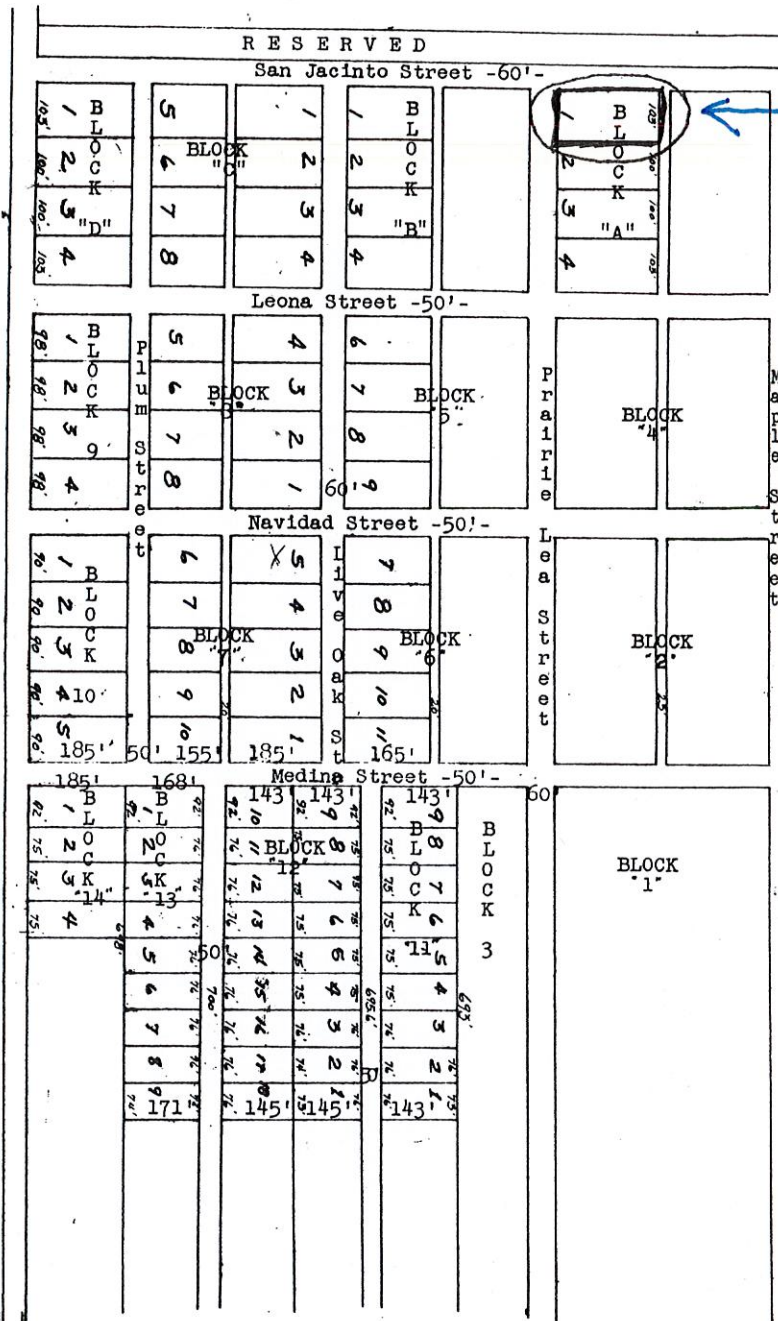
San Jacinto



NOT TO SCALE

* 6'4" overall fence height including the 2'1" high sheet metal portion.

(Plat: TRAMMELL'S REVISED SECOND ADDITION, to the City of Lockhart)



Subject Property

THE STATE OF TEXAS)
COUNTY OF CALDWELL) KNOW ALL MEN BY THESE PRESENTS: That We, H. W. Fielder and Mary Storey, the owners of Blocks Nos. A, B, C, D, 7, 8, 9, 10, 11, 12, 13 and 14 and Lots Nos. 6, 7, 8 and 9 in Block No. 5, Lots Nos. 7, 8, 9, 10 and 11 in Block No. 6, of the TRAMMELL'S ADDITION and TRAMMELL'S SECOND ADDITION to the City of Lockhart, Caldwell County, Texas, do hereby adopt the foregoing plan for subdividing and re-subdividing the same, to be known as TRAMMELL'S REVISED SECOND ADDITION to the City of Lockhart, Texas, and do hereby dedicate to the use of the public the streets and alleys as shown thereon.

WITNESS our hands this the 21st day of February, A.D. 1950.

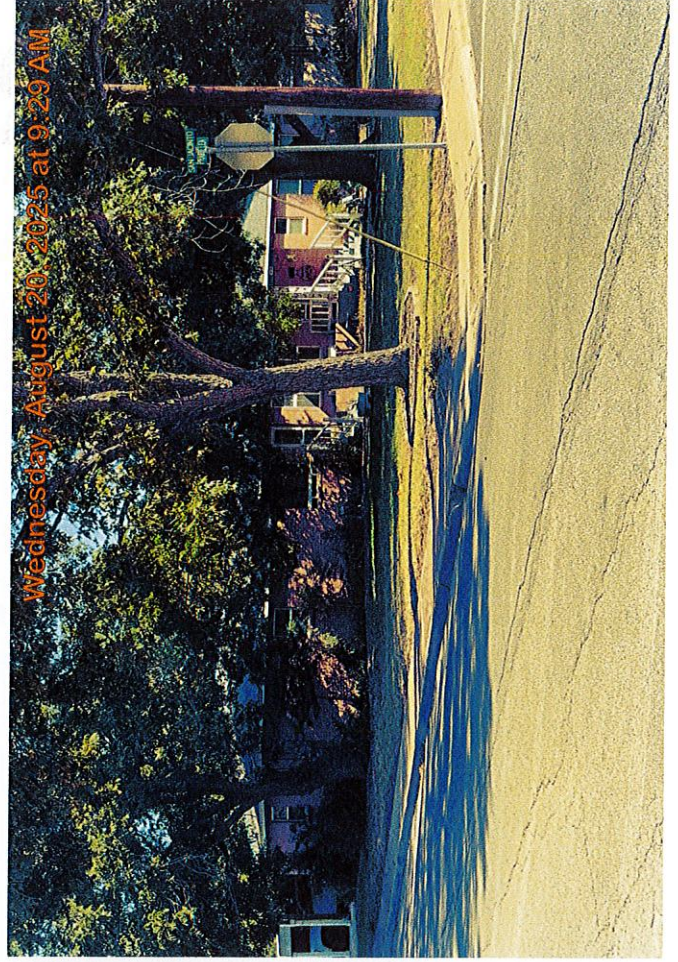
H. W. FIELDER
MARY STOREY

THE STATE OF TEXAS)
COUNTY OF CALDWELL) BEFORE ME, the undersigned authority in and for said County, Texas, on this day personally appeared H.W.Fielder and Mary Storey, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st day of February A.D.1950.

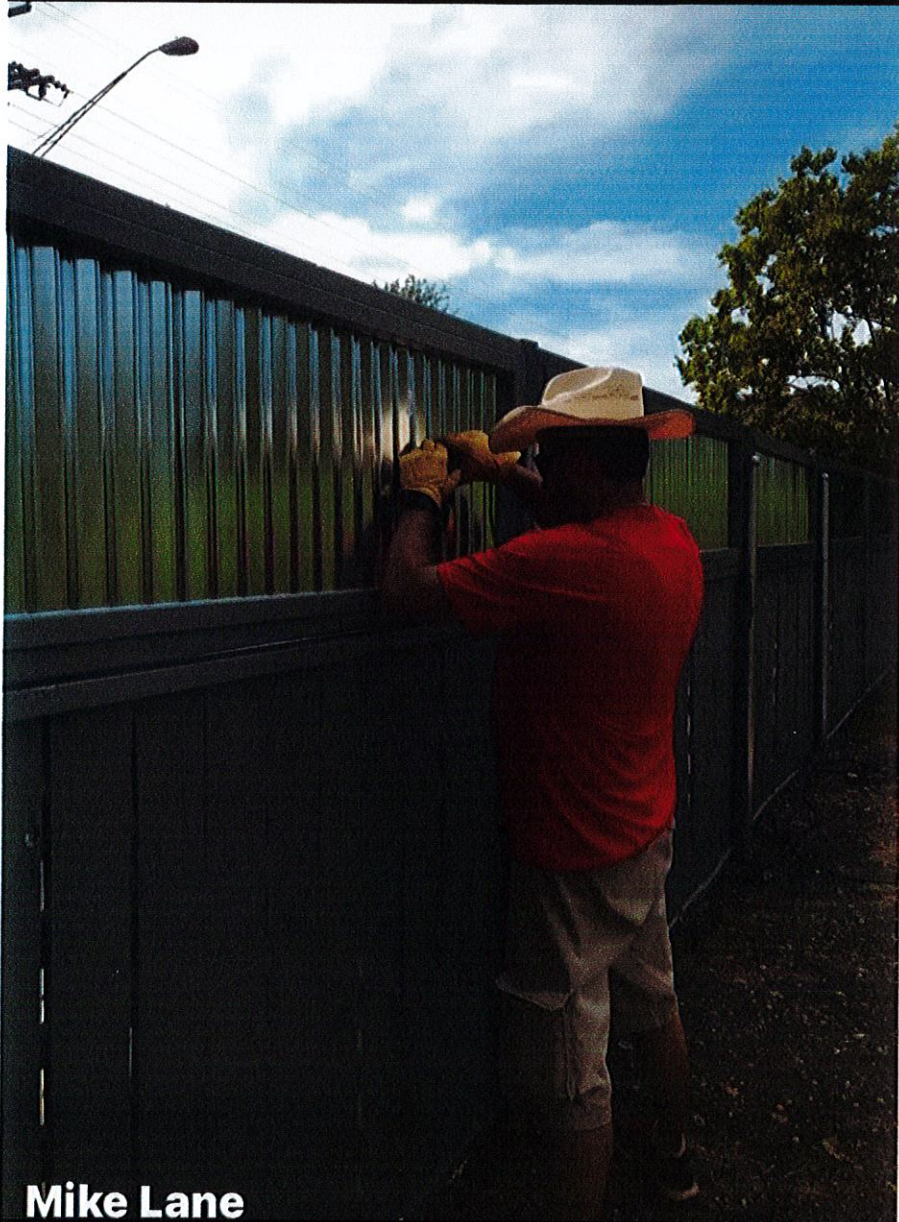
MAYME TATE, Notary Public, Caldwell County, T e x a s

S E A L





1889 of 2046



Mike Lane

May 7, 2017 • 👤

I did do some of the work!! Lol

👍👀 Keri Kiely + 7

8 comments

👍 Like

💬 Comment

➦ Share



1527 of 1686



Mike Lane

Jul 29, 2018 • 2

J.W. Lane + Carlos Tynes

Like

Comment

Share



- Fence, Prior to Sheetmetal Addition -

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;

The subject property includes a swimming pool located just a few feet from the property line along San Jacinto Street, which is a notably busy and high-traffic road. This unique condition results in a significant lack of privacy for the pool and backyard area, causing hardship and limiting reasonable use and enjoyment of the property. Without the additional privacy structure on the fence, our family's ability to use the pool and backyard comfortably would be severely impacted.

2. The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;

The proximity of the pool to the busy San Jacinto Street was an existing condition at the time we purchased the home in 2015. We did not construct or modify the location of the pool or the property layout in any way. The lack of privacy and exposure to public view were pre-existing and not caused by any action on our part.

3. The variance is the minimum amount necessary to allow a reasonable use of the property;

The requested variance only applies to the addition of privacy boxes at the top of the existing fence—an adjustment limited in scope and scale. The modifications were made solely to improve privacy around the pool area and do not expand beyond what is necessary for our family to reasonably use the backyard. No new structures or expansions were built; only the top portion of the fence was modified.

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;

The request is based on privacy and safety concerns due to the location of the pool and the high visibility from San Jacinto Street. The modifications were not made for financial benefit or gain, but rather to allow our family to enjoy the property in a reasonable and private manner. This enhancement has not been

5. The variance will not adversely affect the general public health or safety, or persons residing or working in the vicinity of the proposed fence, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district;

The fence has been in place since 2017 and has not caused any issues or complaints from neighbors or the public. In fact, it has received positive feedback from community members. The fence does not obstruct visibility, traffic safety, or access to neighboring properties. It remains consistent with residential use and contributes positively to the neighborhood's aesthetics.

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 fence regulations.

The fence and its privacy enhancements do not alter the residential nature of the area. The materials used (tin and wood) are consistent with common residential fencing and are painted for uniformity and appearance. The structure enhances privacy without disrupting the visual or functional character of the district and aligns with the purpose of the fence regulations—to maintain safety, aesthetics, and neighborhood harmony.

Mike Lane
1225 W. Prairie Lea
Lockhart, TX 78644
mike.lane73@yahoo.com
(512) 757-9166

September 8, 2025

City of Lockhart
Building and Permits Department
308 W San Antonio
Lockhart, TX 78644

RE: Permit Concerns – 1225 West Prairie Lea

To Whom It May Concern,

In October 2015, my wife and I purchased the home located at 1225 West Prairie Lea here in Lockhart. Since that time, I have made every effort to ensure that all improvements and repairs to the property were made in compliance with the City's requirements. I would like to provide a timeline of my interactions with the City of Lockhart's permitting office to clarify the situation and express my concerns regarding a recent certified letter I received in August 2025—more than eight years after the fact.

October 2015 – Front Handrails:

After purchasing the home, my insurance provider required that handrails be installed at the front entrances. I went to the city to inquire about a permit and spoke with Shane Mondine. He informed me that a permit was **not required** for the installation. I proceeded accordingly.

Late 2015 – Rear Gate Replacement:

Shortly afterward, I returned to the City to ask about a permit to replace a deteriorating gate at the rear of our property. Again, I spoke to Shane, who told me a permit was **not necessary** since we were simply replacing an existing structure. I recall telling him that I wanted to follow all rules and avoid any perception of impropriety due to my position with the county.

April–May 2017 – Fence Top Repair and Privacy Addition:

In April 2017, I sought guidance again regarding plans to rebuild the top portion of our existing fence for privacy reasons. My wife was uncomfortable using the pool due to visibility through the existing lattice. I explained that we would be painting and adding metal for privacy. Shane confirmed that a permit was **not needed** because it was considered a repair. We completed the work in May 2017.

July 2018 – Backyard Parking Spot Permit:

In July 2018, I visited the City once more to apply for a permit to install a parking space inside our fenced backyard for a project vehicle. This time, Shane told me a permit **was required**, with inspections before and after. I complied, and the work was completed and inspected. At that

time, the previously completed fence work was clearly visible. Had there been any issues, I believe they would have been raised then.

Present Concern – August 2025 Letter:

Now, more than **eight years** after the fence repair was completed, I received a certified letter alleging that I failed to obtain a required permit. This is both surprising and concerning. At no point during my repeated and proactive visits to the City was I ever told that a permit was required for this work. I also have time-stamped photos from social media posts during construction and after completion that corroborate the timeline.

I want to be clear: **I have never attempted to circumvent the permitting process.** I have always made an effort to ask the right questions and follow the guidance given to me by City staff. The idea that I am being targeted now, after so many years, raises serious concerns about fairness and consistency in enforcement.

I look forward to discussing this matter further at the meeting in October and hope to resolve it amicably. I would appreciate it if someone could confirm that my permit for the parking spot is still on file and provide documentation of the inspections conducted.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Lane', with a stylized flourish at the end.

Mike Lane

CITY OF

Lockhart

TEXAS

FENCE 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 Mike & Sharyl Lane ADDRESS 1225 W. Prairie Lea
DAY-TIME TELEPHONE 512-757-9166 Lockhart, Tx
E-MAIL mike.lane.73@yahoo.com 78644
OWNER NAME Same As Above ADDRESS _____
DAY-TIME TELEPHONE _____
E-MAIL _____

PROPERTY

ADDRESS OR GENERAL LOCATION 1225 W. Prairie Lea St. Lockhart, Tx 78644
LEGAL DESCRIPTION (IF PLATTED) Property 10 18488 Lot 1, Block A
SIZE 0.46 ACRE(S) ZONING CLASSIFICATION RLD Trammell's Revised
EXISTING USE OF LAND AND/OR BUILDING(S) Single Family Home Second Addition

REQUESTED FENCE VARIANCE

VARIANCE TO SECTION(S) 12-486(a) OF THE FENCE REGULATIONS
CURRENT ORDINANCE REQUIREMENT(S) Sheetmetal fencing not listed
as a permitted material.

REQUESTED VARIANCE(S) Allow fence to remain as is as is
(Sheetmetal material) along upper portion of
fence, along entire rear property line and along
the approximate north 96 feet of side (west)
property line). 6'4" overall fence height including the
2'1" high sheetmetal portion.

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 the general public health or safety, or persons residing or working in the vicinity of the proposed fence, 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 fence regulations.

DRAWING, 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, parking areas, and existing fences; 5) location, dimensions, and type of proposed fence; and, 6) any other information 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 \$ 319.00 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 09/11/25

OFFICE USE ONLY

ACCEPTED BY CB

RECEIPT NUMBER 01401838

DATE SUBMITTED 9-12-2025

CASE NUMBER FV - 25 - 03

DATE NOTICES MAILED 9-22-2025

DATE NOTICE PUBLISHED 9-25-2025

BOARD OF ADJUSTMENT MEETING DATE 10-6-2025

DECISION _____

CONDITIONS _____
