

TIMMERMAN & HAGN LTD

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August 19, 2025

Via Email

City of Pflugerville
Attn: Emily Barron, Asst. City Manager
100 E. Main Street
Pflugerville, TX 78660
Email: EmilyB@pflugervilletx.gov

Via Email

City of Pflugerville
Planning & Zoning Commission
c/o Emily Barron, Asst. City Manager
100 E. Main Street
Pflugerville, TX 78660
Email: EmilyB@pflugervilletx.gov

RE: Request for Administrative Interpretation; Alternative Request for Subdivision Waiver

Dear Assistant City Manager Barron:

This letter is submitted by Timmerman & Hagn, Ltd., as owner of approximately 325.77 acres of property shown on Exhibit A (the "Property"), located within the extraterritorial jurisdiction (the "ETJ") of the City of Pflugerville, Texas (the "City"). This letter is submitted for the following purposes: (1) to request an administrative interpretation of the City's Unified Development Code (the "Code") pursuant to Sections 3.16/3.17 of the Code; and (2) alternatively, and to the extent necessary, to request that the City's Planning and Zoning Commission (the "Commission") grant a subdivision waiver pursuant to Section 15.15 of the Code.

The Property consists of undeveloped land located within the ETJ and the boundaries of Northeast Growth Corridor WSIDD No. 1. A connection for water service is located on the northern portion of the Property and a connection for wastewater service is located on the southern portion of the Property. To avoid fragmented and happenstance development of various portions of the Property, and to promote orderly development of the Property, we are proposing to install a wastewater main line to extend wastewater service to the northern portion of the Property (the "Wastewater Line"). Installation of the Wastewater Line is a preliminary step that would allow consolidation of both water and wastewater service in one general location, such that the Property is functional for use by one or more end users. Specifically, and consistent with the City's objectives, we would prefer to attract restaurant

uses for development of the Property. Unfortunately, our efforts have been met with limited interest due to the current location of utility service connections on opposite sides of the Property and uncertainty as to when the issue will be resolved.

From prior discussions and email exchanges with representatives of the City, our understanding of the City's view to date is that final plats for the entirety of the Property would need to be approved before the Wastewater Line may be installed. Under this view, we would be required to submit and obtain approval of preliminary plans, final plats and construction improvement plans for all the Property prior to installation of the Wastewater Line.

However, we have no intention of subdividing the Property at this time. We intend to install the Wastewater Line as a preliminary step in making the Property developable. We are unable to meaningfully plan, plat, develop or market the Property until water and wastewater service are available at or near the same location of the Property. Consequently, the platting or subdivision of the Property at this time would be an exercise in futility, requiring dedication of resources by us and the City that would be unwarranted and better devoted elsewhere. Because development and operation of the Property for restaurant uses (or otherwise) is not feasible until both water and wastewater service are available in the same general location, we are unable to propose or seriously discuss conceptual plans with potential end users, much less develop the information necessary for subdivision of the Property.

Pursuant to Section 3.16/3.17 of the Code, we request a written interpretation of the Code as to whether the subdivision process (including platting), or any action other than review and approval of civil design plans for the Wastewater Line, must be completed prior to installation of the Wastewater Line.

To the extent the City's written interpretation concludes that the Property must be platted and subdivided in order to install the Wastewater Line, we alternatively request a subdivision waiver pursuant to and in accordance with Section 15.15 of the Code. Under Section 15.15(B), the Commission may waive the requirements of Subchapter 15 of the Code (concerning "Subdivision Process") in cases where they do not "appear to be reasonably applicable in the specific case." As discussed above, we do not intend to subdivide or develop the Property for end uses at this time. As stated in the foregoing, we are attempting to develop the Property for restaurant uses pursuant to and in accordance with the City's preference, but the uncertainty over location and availability of utilities, and the resultant insufficiency of end user engagement, prevents genuine planning and subdivision efforts. Instead, we seek only to take the preliminary step of consolidating utility services at or near a single location on the Property, such that meaningful dialogue and conceptual planning may occur. The requirements of Subchapter 15 of the Code are not reasonably applicable to the installation of the Wastewater Line to consolidate the location of water and wastewater services, such that realistic planning efforts may be initiated.

Moreover, under Section 15.15(C), the Commission may waive the requirements of Subchapter 15 if compliance “would result in an undesirable situation; and in the Commission’s opinion, such a subdivision Waiver would not be contrary to the public interest and would not destroy the intent of the provisions of this Subchapter.” Applying Subchapter 15 to this preliminary step would indeed result in an undesirable situation. We would be required to submit and obtain approval of a final plat that would be effectively useless, as the Property would almost certainly be required to be replatted. In addition to requiring unnecessary delay and expense, an unusable and unnecessary final plat would result in confusion and disorder. Subdivision of the property in such a manner may even further discourage the interest of end users.

A waiver of Subchapter 15 as to the Wastewater Line would not be contrary to the public interest or destroy the intent of the subchapter. In fact, a waiver would do the opposite. The consolidation of locations for water and wastewater service, and the extension of the Wastewater Line, would promote orderly and consistent planning and development. Furthermore, the extension of service to the proposed location would allow for tracts that are otherwise currently undevelopable to be developed within the City’s ETJ. In all cases, Subchapter 15 would still apply, and platting would be required, prior to the development of lots on any portion of the Property or the other tracts. In other words, the requirements of Subchapter 15 would remain intact and not be destroyed.

Thank you in advance for your timely consideration of these requests. We would be pleased to present them in person and look forward to the opportunity to address the City regarding these matters.

Sincerely,



Tim Timmerman

cc: Blake Reed, Timmerman Capital

EXHIBIT A

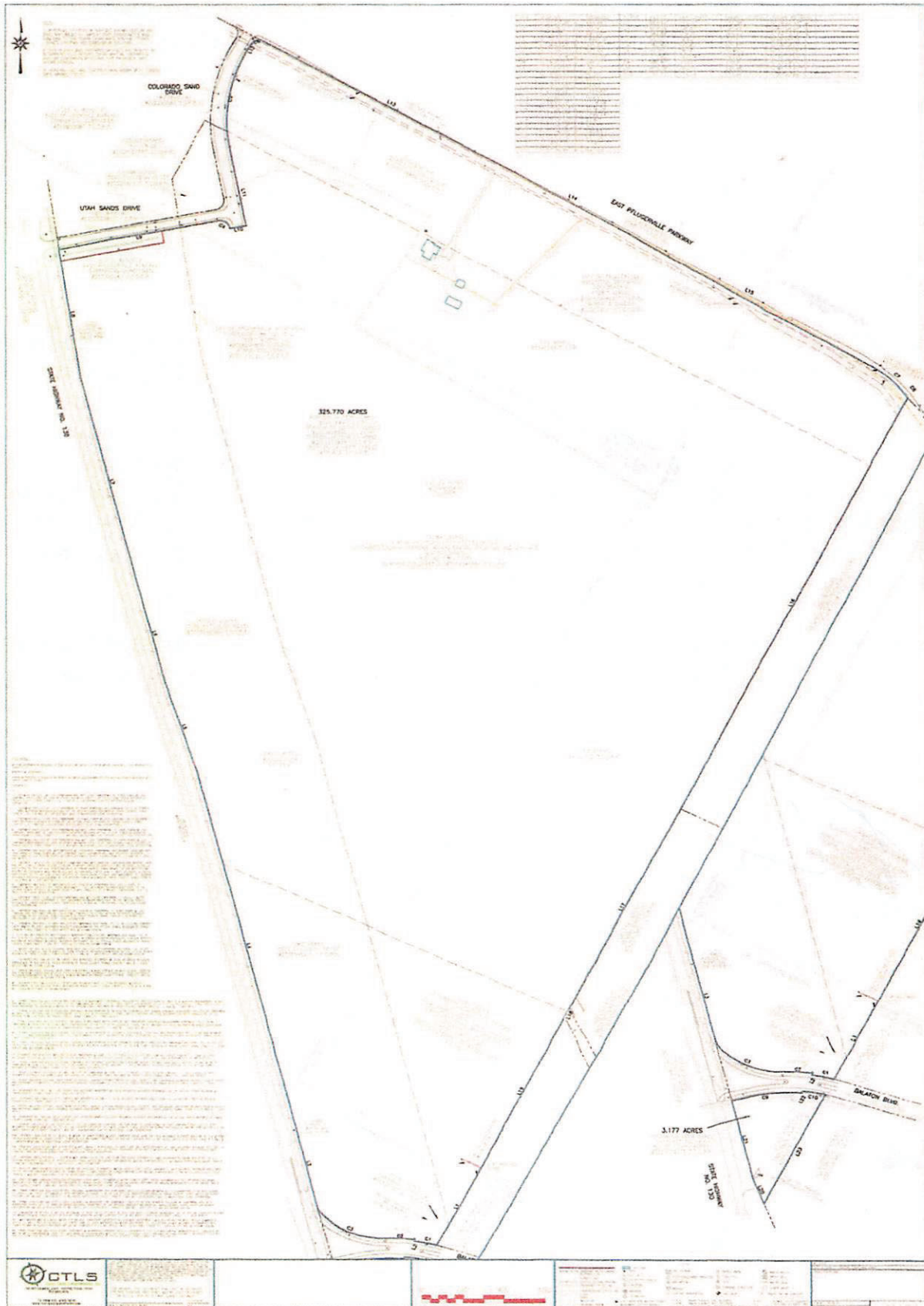


EXHIBIT A