

September 8, 2023

Mr. Jeremy Frazzell, Director
Planning and Development Services
City of Pflugerville
100 W. Main Street
Pflugerville, Texas 78691

RE: Subdivision waiver request to UDC Section 15.11.5

Dear Mr. Frazzell,

On behalf of our client, 45/130 NYCTEX, Ltd., we respectfully request a waiver to Section 15.11.5 of the Unified Development Code to file utility infrastructure / extension plans to be reviewed and approved outside the typical process. Our client's property is 44.92-acres on the northwest corner of SH 45 and Heatherwilde Drive.

The City of Pflugerville extended Water and Wastewater lines across SH 45 to ultimately provide utility service to three property owners with approximately 2,875 Living Unit Equivalents (LUE's). These three owners, TCAD Parcels, land acreage, and LUE's allotted are as follows:

- 1) 45/130 NYCTEX, Ltd – TCAD Parcel 550284 – 44.92-acres – 719 LUE's
- 2) Tims Acres, Ltd – TCAD Parcels 281536 & 281546 – 75.24-acres – 1,204 LUE's
- 3) SH45, LP – TCAD Parcels 281548 & 281537 – 84.21-acres – 952 LUE's

The three property owners' land totals to 204.37-acres and the point of connection of the utilities will serve approximately 179.66-acres of that land area. The remaining land will be served with another point of connection to the east towards SH 130.

AMC Design Group, Inc. has designed the water and wastewater utilities from the current point where the City of Pflugerville brought the lines across SH 45 and extending these lines westward to ultimately provide service to all three property owners. The proposed utility plans are included with this waiver request for clarity on the properties ultimately served with water and wastewater. It is important to note that all 3 landowners are party to the utility extension plans and have signed applications for the submission of the plans for review and approval.

We respectfully request positive consideration for the waiver request to Section 15.11.5 of the Unified development Code to allow for these proposed utility plans to be submitted, reviewed and approved by the City of Pflugerville outside the process of obtaining a Preliminary Plan or Final Plat approval. Pursuant to Section 15.15 of the UDC, we contend that the justification for this request is per Section 15.15.B in that the requirement does not appear to be reasonably applicable to the specific request.

The warrants for this justification are:

- 1) The length and depth of the proposed utilities to serve the three properties warrants a single, cohesive approach for construction of the lines rather than a piecemeal approach. Should the three landowners seek utility service independently, the utilities will be constructed in phases disrupting the lands multiple times, cause for multiple applications, reviews, approvals, inspections and cost participation requests.
- 2) All three landowners are very aware that any connection to the utilities can only be accomplished after properly platting of the property with future applications to achieve the platting necessary.
- 3) The extension of the utility lines is very much like the City Capital Improvement Project to bring the utility lines to the north side of SH 45 to ultimately serve these property owners with utility service.
- 4) Future planning for these properties, primarily our client's property, will be longer processes and the actual divisions of land through a platting process is extremely preliminary at this stage especially in light of proposed code amendments that have yet to be approved.
- 5) All three landowners are eager to gain eventual and reasonable access to utility service.
- 6) All three landowners have agreed in principle to share in the cost of construction of the utility lines other than cost participations with the City of Pflugerville for the waterline

portion. The City does plan for an eventual additional crossing of SH 45 near the 45/Heatherwilde intersection with a waterline to connect the proposed waterline with this request to waterlines on the south side of SH 45 to loop the lines. This is in the City CIP Plans.

- 7) The approval and eventual construction of these utilities furthers the City CIP endeavors and better provides for easier access to the utilities by the landowners.

We trust that the City of Pflugerville will find these warrants acceptable for consideration and approval of the waiver request. Should you have any comments, concerns or questions, please do not hesitate to reach to any of the following:

- 1) Mr. Howard Yancy, President of Zydeco 45/130, LLC, General Partner of 45/130 NYCTEX, Ltd
512/479-7850, hyancy@zydecodevelopment.com
- 2) Mr. Chris McComb, P.E., AMC Design Group, Inc.
512/385-2911, chris@amcdesigngroup.com
- 3) Mr. Ron Thrower, Thrower Design, LLC
512/731-2524, ront@throwerdesign.com

We look forward to presenting this request to Planning Commission at their next available opportunity.

Respectfully submitted,



A. Ron Thrower