46

Late Backup

DRAFT

Indian Hills
Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background
On June 18, 2009, the owners of the Indian Hills area and the City of Austin entered into an agreement regarding annexation and development. The Whisper Valley and Indian Hills Annexation and Development Agreement ("Agreement") provides for annexation of the Indian Hills area, totaling approximately 234 acres, for the limited purposes of planning and zoning pursuant to Section 43.129 of the Texas Local Government Code.

In addition and pursuant to Section 43.127 of the Texas Local Government Code, the owners waived the requirement of Section 43.123 of the Texas Local Government Code for conversion to full purpose status. Full purpose annexation will take place in accordance in Section 5.01 of the Agreement.

A zoning case (C14-2009-0089) has been submitted for the Indian Hills area. This zoning case will reflect land uses and development standards set out in the Agreement. Following annexation, the area will be developed in accordance with the zoning as finally approved.

The Agreement also establishes a process by which a Public Improvement District ("PID) will help finance significant public roadway, parkland, and water/wastewater improvements to serve the area.

Area Description
The proposed annexation area includes approximately 234 acres in Travis County west of SH 130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road in the City's Desired Development Zone. The area is located in the city's extraterritorial jurisdiction ("ETJ") and is adjacent to the City's full purpose jurisdiction on the north and west sides. The area is currently undeveloped. Limited purpose annexation will facilitate zoning and development of this area.

Projected Ten Year Development With and Without Annexation
Indian Hills is proposed as a mixed-use project including residential, office, retail, light industrial, and research and development uses. The proposed development includes approximately 1,522 multi-family units, 1,585,584 square feet office, 60,113 square feet retail, and 472,626 square feet research and development, and 274,646 square feet of industrial uses.

Infrastructure financing challenges have been a limiting factor in development of this area. Without limited purpose annexation, PUD zoning and the PID financing, it is reasonable to assume that future development would be less dense, and contain a less

Late Backup

desirable land use mix. If annexed, the property will be developed in accordance with the City's zoning and site development standards.

Issues Supporting Annexation
The area must be annexed for limited purposes prior to final approval zoning.

Public Benefit from the Annexation
Limited purpose annexation and the application of zoning and City development standards will result in higher quality development than would otherwise occur.

The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners, and Businesses in the Proposed Annexation Area
Currently there are no residents or business activity in the proposed annexation area. The proposed limited purpose annexation and future conversion to full purpose status will be of economic advantage to landowners within the area through the establishment of land use controls and building standards not otherwise available.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Indian Hills area by requiring higher quality development than would otherwise occur.

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with zoning and City development standards.

Proposed Zoning for the Area
The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code). As noted above, a zoning case has been submitted for the Indian Hills area. Following annexation, the area will be developed in accordance with the zoning as finally approved.

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Comments regarding the proposed zoning will be considered at the public hearings for the proposed limited purpose annexation.

Regulatory Plan

Development Regulations
Annexation of the area for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area, as specified in the terms of the Whisper Valley and Indian Hills Annexation and Development Agreement. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development Code including Title 30 Austin/Travis County Subdivision Regulations and related technical manuals, and all rules adopted pursuant thereto, subject to the terms of the Agreement.

Future Full Purpose Annexation

Pursuant to Section 43.127 of the Texas Local Government Code, the owners have waived the statutory requirement that the property be annexed for full purposes within three years of the effective date of limited purpose annexation. Conversion to full purpose status will occur in accordance with Section 5.01 of the Whisper Valley and Indian Hills Annexation and Development Agreement and applicable provisions of State law and the City Charter.