

## EXHIBIT A

# Late Backup



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8-26-10

**DRAFT**

### **Whisper Valley Limited Purpose Annexation Planning Study and Regulatory Plan Planning Study**

#### **Background**

On June 18, 2009, the owners of the Whisper Valley 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 Whisper Valley area, totaling approximately 2,066 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 Planned Unit Development ("PUD") zoning case (C814-2009-0094) has been submitted for the Whisper Valley 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 PUD 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 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane in the City's Desired Development Zone. The proposed annexation area is currently in the city's extraterritorial jurisdiction ("ETJ") and is undeveloped. Limited purpose annexation will facilitate zoning and development of this area.

#### **Projected Ten Year Development With and Without Annexation**

Whisper Valley is proposed as a mixed-use development with residential, commercial, retail, office, and open space uses. The proposed Whisper Valley PUD includes approximately 2,848 single family units, 4,658 multi-family units, 1,276,500 square feet office, 1,276,500 square feet of retail 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 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 of PUD 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 Whisper Valley 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 PUD 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 PUD zoning case has been submitted for the Whisper Valley area. Following annexation, the area will be developed in accordance with the PUD 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.