

## ZONING CHANGE REVIEW SHEET

CASE: Whisper Valley PUD Amendment #3 (C814-2009-0094.03) DISTRICT: 1

ADDRESS: 9605 North FM 973 Road, 9501 North FM 973 Road, Taylor Lane, Nez Perce Trace, 8312 Taylor Lane, and 9015 Taylor Lane

ZONING FROM: PUD

TO: PUD (amendments)

SITE AREA: approximately 2,066 acres

PROPERTY OWNER: Club Deal 120 Whisper Valley LP

AGENT: City of Austin (Jonathan Tomko)

CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov)

### STAFF RECOMMEDATION:

**Staff recommends granting the requested amendments to the PUD. This PUD amendment would allow the following amendments to the PUD per Council Resolution No. 20241212-068:**

- **Affordable period for ownership units of not less than 99 years;**
- **Sale price for affordable units established by metrics determined by the Director of the Housing Department;**
- **Eligible residential developments eligible for and receiving SMART Housing certification if S.M.A.R.T. Housing program eligibility requirements are satisfied; and**
- **If installed in a phase of the development, sustainable energy infrastructure will be made available with equal access between affordable and market-rate residential units.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

March 18, 2025: Case is scheduled to be heard by Zoning and Platting Commission.

### CITY COUNCIL ACTION:

December 12, 2024: Council Resolution No. 20241212-068 (*Exhibit C*)

April 24, 2025: Case is scheduled to be heard by City Council.

### ORDINANCE NUMBER:

N/A

### ISSUES:

N/A

### CASE MANAGER COMMENTS:

The property in question is approximately 2,066 acres of undeveloped, and large-lot single family more or less located east of FM 973 and north of the intersection of FM 969 and Taylor Lane. It is within the Austin limited purpose jurisdiction. The original PUD was approved by City Council on August 26, 2010 by Ordinance No. 20100826-066.

**BASIS OF RECOMMENDATION:**

The proposed zoning should be consistent with the goals and objectives of the City Council.

Zoning should allow for reasonable use of the property.

The proposed zoning should satisfy a real public need and not provide special privilege to the owner.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	PUD	Undeveloped, Large-lot single family
<i>North</i>	Austin ETJ and SB 2038 ETJ Release	Undeveloped, Large-lot single family, Travis County East Metro Park
<i>South</i>	Austin ETJ	Undeveloped, Large-lot single family
<i>East</i>	Austin ETJ	Undeveloped, Large-lot single family
<i>West</i>	Austin ETJ	Undeveloped

**NEIGHBORHOOD PLANNING AREA:** Not in a neighborhood planning area

**WATERSHED:** Gilleland Creek, Colorado River, and Decker Creek Watershed

**SCHOOLS:** Del Valle I.S.D.

Gilbert Elementary School

Dailey Middle School

Del Valle High School

**COMMUNITY REGISTRY LIST:**

Austin Lost and Found Pets, City of Manor, Del Valle Community Coalition, Del Valle Independent School District, Friends of Austin Neighborhoods, Save Our Springs Alliance, Sierra Club, Austin Regional Group

**AREA CASE HISTORIES:**

Number	Request	Commission	City Council
C814-00-2063.09 (Wildhorse Ranch PUD Administrative Amendment)	The Applicant is proposing to amend a previously approved Planned Unit Development, to relocate the base zoning for 19.2 acres, specifically Parcels	N/A	N/A

	E-3 and E-2 to allow for more commercial property along Parmer Lane without adjusting the proposed land density.		
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**RELATED CASES:**

C814-2009-0094.02 Whisper Valley PUD Amendment #2 – Administratively approved on July 23, 2020.

C814-2009-0094 Whisper Valley PUD – adopted Ordinance No. 20100826-066

**ADDITIONAL STAFF COMMENTS:**

Comprehensive Planning

**Project Name and Proposed Use:** 9605 N FM 973 ROAD. C814-2009-0094.03. Project: City Initiated: Whisper Valley PUD Amendment #3. The Applicant is proposing to amend a previously approved PUD. The following review has been conducted with attention to the indicated portion of the larger PUD, located near the intersection of N FM 973 RD and E Braker LN, and in reference to Resolution NO. 20241212-068 for the Whisper Valley Planned Unit Development. Existing: undeveloped at the indicated portion. Proposed: 7,500 housing units, including single family homes, townhomes, duplexes and apartments as indicated by the resolution for the entire PUD. Whisper Valley PUD is planned to have 700 acres of open space, with 600 acres allocated as park space. Participation in the S.M.A.R.T. Housing program has been indicated.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	<b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Names of Activity Centers/Activity Corridors/Job Centers *:</b> <ul style="list-style-type: none"> <li>• <b>Adjacent to Whisper Valley PUD Town Center</b></li> </ul>
	<b>Mobility and Public Transit *:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access *:</b> Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> <li>• <b>Sidewalk and Bike Lane present along Braker Ln</b></li> </ul>
	<b>Connectivity, Good and Services, Employment *:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access *:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education *:</b> Located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living *:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> <li>• <b>Indicated by the Whisper Valley PUD resolution</b></li> </ul>
	<b>Connectivity and Health *:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
Y	<b>Housing Choice *:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.

	<ul style="list-style-type: none"> <li>• <b>Indicated by the Whisper Valley PUD resolution</b></li> </ul>
Y	<b>Housing Affordability</b> *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. <ul style="list-style-type: none"> <li>• <b>Indicated by the Whisper Valley PUD resolution</b></li> </ul>
	<b>Mixed use</b> *: Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy</b> *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation</b> : Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy</b> : Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education</b> : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land</b> : Preserves or enhances industrial land.
Y	<b>Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone</b>
6	<b>Number of “Yes’s”</b>

Environmental

No comments on rezoning

Fire

No comments on rezoning

Housing

Housing staff support all of the proposed amendments related to affordable housing.

PARD – Planning & Design Review

PR 1. This City initiated zoning case concerns affordable housing units committed to as part of the PUD. Parkland requirements within the PUD are not changing as part of this amendment. The area and quantity of parkland and programmed area will be the same as committed to in the PUD and Whisper Valley Parkland Agreement as amended. Any changes to the above will require a substantial PUD amendment, and a discussion with PARD reviewers.

Site Plan

No site plan comments for the PUD amendment. Site plan comments will be made at the time of site plan submittals.

Transportation and Public Works Department – Engineering Review

1. TPW recommends that the PUD amendment include an update to align the Whisper Valley PUD to the current version of the Transportation Criteria Manual, adopted 2021.
2. TPW has no objections to the proposed amendments.
3. As there is no proposed change in land uses or intensities at this time, a TIA amendment is not required LDC 25-6-113 and TCM 10.2.1.

TIA:

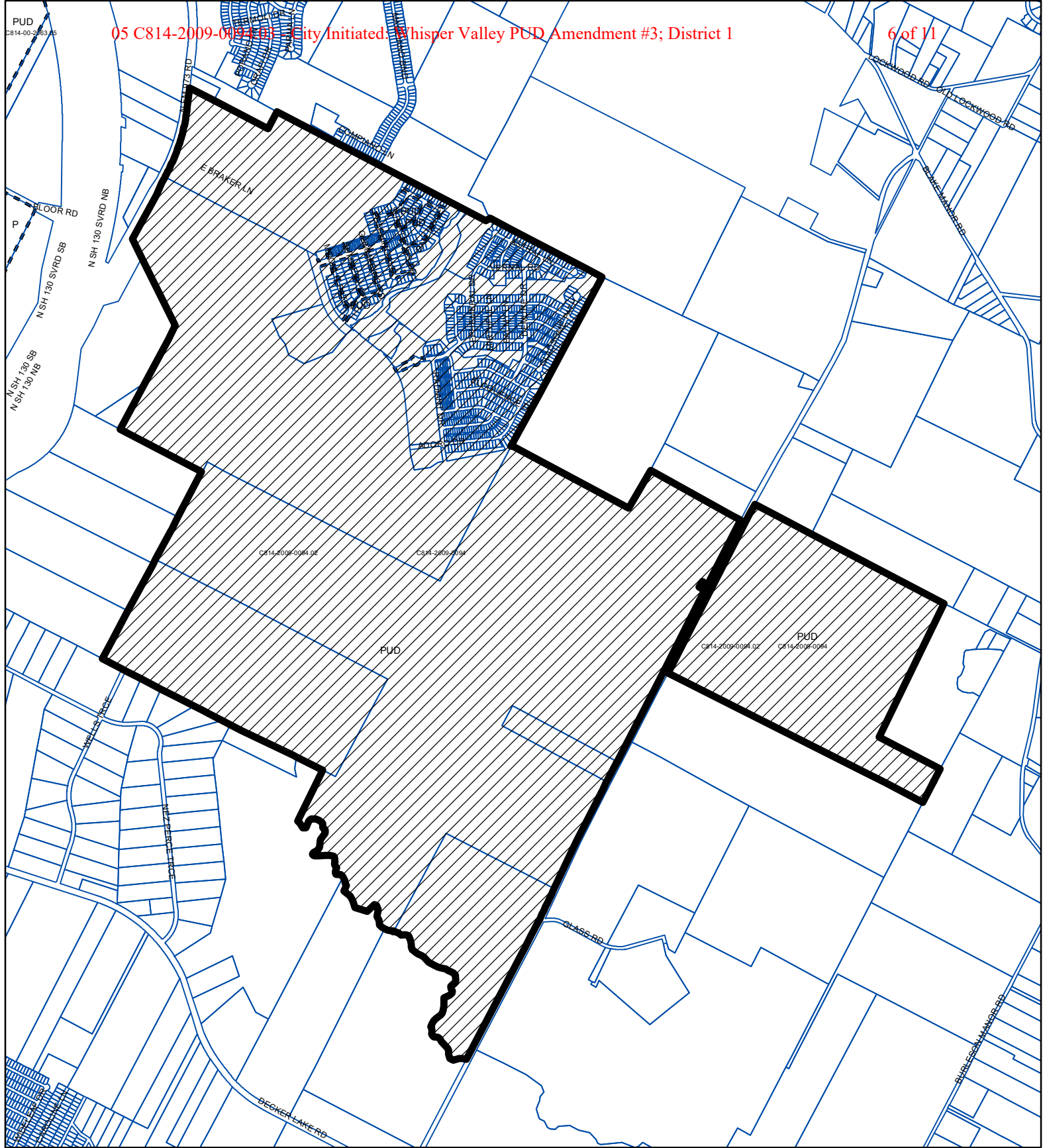
A traffic impact analysis is NOT required. Traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code (LDC). Mitigation per LDC 25-6-101 may still apply.




Austin Water Utility

No comments on rezoning

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Council Resolution No. 20241212-068



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### PLANNED UNIT DEVELOPMENT

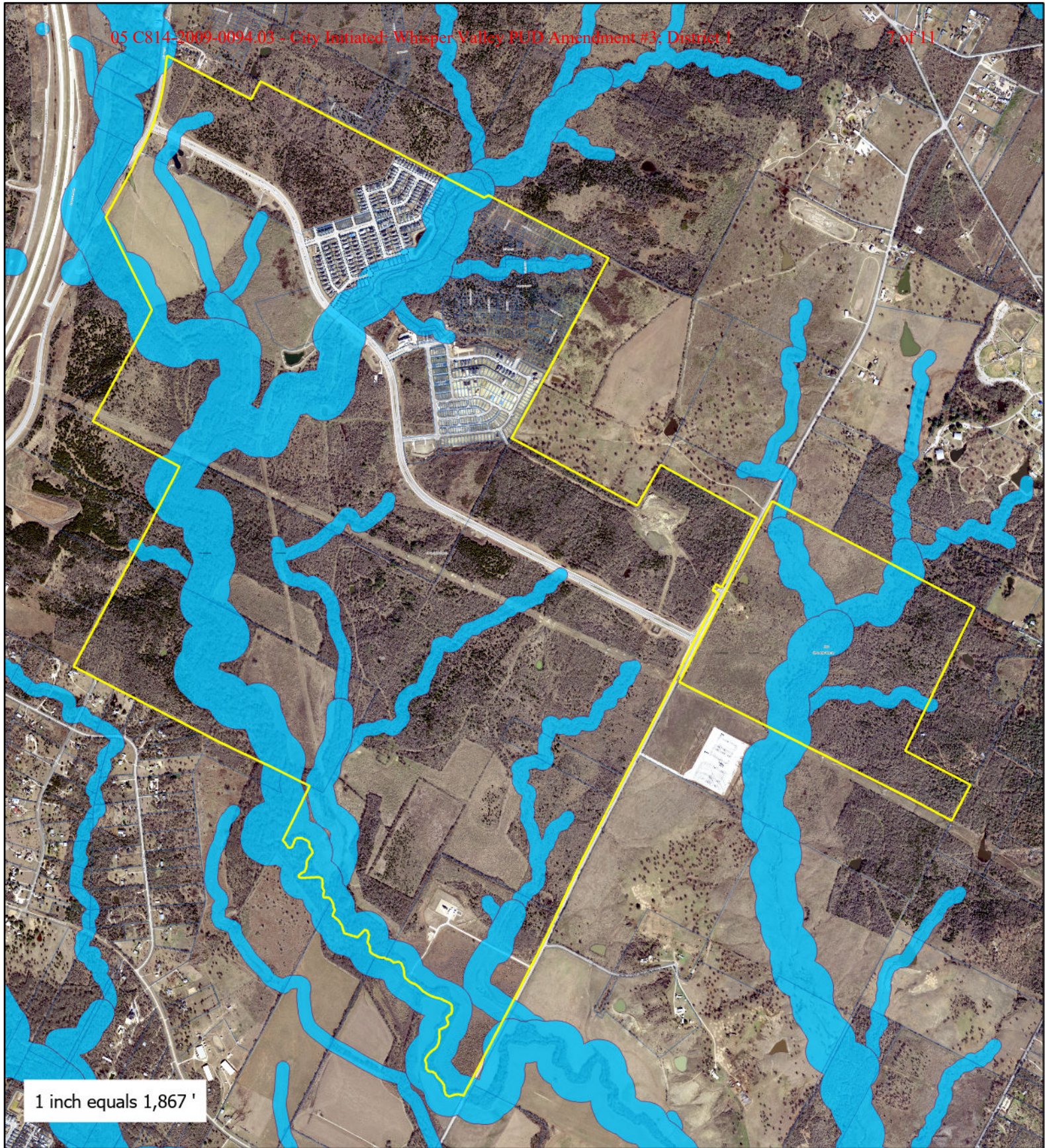
ZONING CASE#: C814-2009-0094.03

1" = 2,000'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

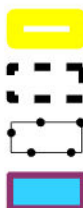
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1 inch equals 1,867'

### City Initiated: Whisper Valley PUD Amendment #3



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

ZONING CASE#: C814-2009-0094.03

LOCATION: 9605 and 9501 N FM 973 Rd; Taylor Ln; Nez Perce Trce; 8312 and 9015 Taylor Ln

SUBJECT AREA: 2061.85 Acres

MANAGER: Jonathan Tomko



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Created: 3/12/2025

**RESOLUTION NO. 20241212-068**

**WHEREAS**, Whisper Valley Planned Unit Development (“Whisper Valley PUD”), comprised of 2,066 acres of land, more or less, located east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane, was approved by City Council on August 26, 2010, in Ordinance No. 20100826-066; and

**WHEREAS**, Whisper Valley PUD is located within a Limited Purpose Annexation Area; and

**WHEREAS**, the development of Whisper Valley PUD is a significant addition to the area near the Northeast Planning District; and

**WHEREAS**, Whisper Valley PUD may include over 7,500 single family homes, townhomes, duplexes, and apartments that are zero-energy capable, making Whisper Valley the largest zero-energy ready community in the country significantly reducing demand on the grid; and

**WHEREAS**, Whisper Valley PUD has over 700 acres of open space with 600 acres being a signature park nearly twice the size of Zilker Park; and

**WHEREAS**, Whisper Valley PUD is focused on sustainability, healthy living, and geothermal technology, lowering costs to homeowners and providing for more affordable housing options; and

**WHEREAS**, the owner of the property located in Whisper Valley PUD is required to deliver affordable housing community benefits as required in Ordinance No. 20100826-066 and the Whisper Valley and Indian Hills Annexation and Development Agreement, effective June 18, 2009; and



**WHEREAS**, the use of the S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-Priced, Transit-Oriented) Housing program is designed to stimulate the production of housing for low-and-moderate income residents by providing fee waivers for development permits in exchange for onsite income- restricted units; and

**WHEREAS**, the City Charter limits when City funds may be spent within limited purpose jurisdiction; and

**WHEREAS**, in a planned unit development (PUD) located within limited purpose jurisdiction, Council needs to approve the use of S.M.A.R.T. Housing fee waivers as part of a PUD ordinance; and

**WHEREAS**, the use of S.M.A.R.T. Housing fee waivers will help the Whisper Valley PUD provide an economically sustainable development; and

**WHEREAS**, an amendment to the Whisper Valley PUD is necessary to enable certification through the S.M.A.R.T. Housing program; and

**WHEREAS**, the City desires to amend the affordable housing requirements of the PUD Ordinance as necessary to establish superiority and memorialize City standards for affordable housing; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

City Council initiates rezoning from Planned Unit Development (PUD) district to Planned Unit Development (PUD) district, to change conditions of zoning, and provide for exemption from or waivers of fees, alternative funding methods, and modifications of City Code requirements, for the property commonly known as Whisper Valley PUD.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to process the application for rezoning of Whisper Valley PUD, to recommend conditions of rezoning, and take necessary steps to ensure an efficient rezoning process to avoid unnecessary delay.

**BE IT FURTHER RESOLVED:**

The City Manager as part of the application for rezoning is directed to request modifications of City Code Title 25 and related criteria necessary to allow development within the Whisper Valley PUD and rezoning application consistent with this resolution.

**BE IT FURTHER RESOLVED:**

City Council finds the elements established in Ordinance No. 20100826-066 (“Whisper Valley PUD ordinance”) as superior, without any additional review or reevaluation under Section 2.4, Subpart B – (*Planned Unit Development Standard*), except for modifications related to:

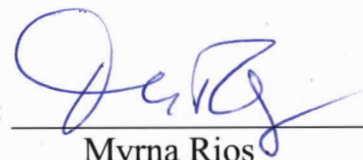
- Affordable period for ownership units of not less than 99 years;
- Sale price for affordable units established by metrics determined by the Director of the Housing Department;
- Eligible residential developments eligible for and receiving SMART Housing certification if S.M.A.R.T. Housing program eligibility requirements are satisfied; and
- If installed in a phase of the development, sustainable energy infrastructure will be made available with equal access between affordable and market-rate residential units.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to schedule this rezoning case for public hearing at the Zoning and Platting Commission without obtaining recommendations by other boards, commissions, and committees; and requests the Zoning and Platting Commission consider this rezoning case without recommendations from other boards, commissions, or committees.

**ADOPTED:** December 12, 2024

**ATTEST:**



Myrna Rios  
City Clerk