



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: Cassey Ogden

DATE: March 24, 2026

SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas, regarding the issuance of a Service Plan, pursuant to Tex. Loc. Govt. Code Sec. 43.052, for the provision of city services to approximately 1.09 acres of land, generally located 740 feet south of Edwards Road and 290 feet west of Swisher Road; authorizing the City Manager to execute the Plan; and providing an effective date. (A25-0004d, Swisher Road Annexation, Bryce Van Arsdale)

BACKGROUND

The owner, J. Doss Phillips, (hereafter referred to as “Owner”), had a non-annexation agreement (ordinance 2012-362), which expired on August 1, 2020. Pursuant to Council direction, the City corresponded with the Owner on multiple occasions, including April 23, 2024, June 13, 2024, and December 11, 2025, to offer a new annexation agreement, but the Owner has not responded. By operation of the expired non-annexation agreement, the Owner has filed a written petition with the City for voluntary annexation of approximately 1.09 acres of land, generally located 290 feet west of Swisher Road, approximately 740 feet south of Edwards Road (hereafter referred to as “Subject Property”).

In accordance with State Law, Non-Annexation Agreements (NAAs) were initially offered to property owners between 2010 and 2016 when the City was in the process of annexing land area within the Extra-Territorial Jurisdiction (ETJ). Texas Local Government Code Section 43.016 requires municipalities to offer NAA agreements to property owners of land area the City is interested in annexing if that land area is appraised for tax purposes as having agricultural, wildlife management, or timber use. In addition, the City also offered NAAs to properties used as single-family residences. NAAs entered into during this initial time period had an original expiration date of August 2020. In 2020, City Council directed staff to offer extensions of the NAAs to August 2040. In accordance with State Law, the total duration of the NAA shall not exceed 45 years.

The general requirements of the NAAs are as follows:

- The property may only be used for single-family residential, agricultural, wildlife, timber, or related uses.
- City of Denton regulations apply to proposed development.
- Development applications and building permits must be submitted and approved through the City of Denton.
- Land may be subdivided into smaller parcels via plating, provided the minimum lot size is at least 5 acres.
- Notification must be provided to the City if the property is sold.
- Properties with agriculture, wildlife management, or timberland exemptions are required to provide notice to the City if there is a change in exemption status.

- If the property owner does not abide by these requirements, or if the NAA expires, the City may proceed with annexation of the property.

Following Council direction in 2020, staff began engaging with property owners with expired NAAs in an effort to enter into new agreements with 2040 expiration dates. Between 2020 and 2021 a majority of property owners with expired NAAs entered into new agreements; however, 18 NAAs remained expired.

When the Owner entered into the initial NAA in 2012, Texas Local Government Code under Subchapter C-3 (TXLGC Sec. 43.052) required a municipality that elects to annex an area must first adopt a Service Agreement under which the municipality agrees to provide full municipal services to the annexed area. Therefore, the City is also taking action to issue this Service Plan pursuant to TLGC 43.056 to explain the process by which full municipal services will be provided to the Property. The attached Service Agreement contains the City’s standard Service Plan for annexations regarding streets, water, wastewater, police and fire protection, and park services.

The subject property is situated 290 feet west of Swisher Road, approximately 740 feet south of Edwards Road. Swisher Road, the nearest right-of-way, is classified as a Proposed Secondary Arterial according to the 2022 Mobility Plan. The properties to the south and east of the subject property are situated within the City of Denton City Limits and classified under the Rural Residential (RR) zoning district. The property to the north of the subject property is within City Limits and zoned as Public Facilities (PF) zoning district; this property is maintained by the City as Villages of Carmel Park. The properties to the west of the subject property are within city limits and zoned as Residential 6 (R6) zoning district.

The Future Land Use designation for the subject property is Moderate Residential within the Denton 2040 Comprehensive Plan. The description for this Future Land Use category is provided below:

This category accommodates single-family detached housing on small lots, typical of Denton’s more compact, established single-family neighborhoods and low-rise multi-family dwellings and townhomes. This land use applies to areas within the central areas of Denton and transition areas between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density, or adjacent to key corridors. Dwellings in this future land use category vary in scale and style and may contain a great deal of diversity by each street and block. Most areas are characterized by rectilinear lots with modest front yards. Most streets are lined by sidewalks, but this is not prevailing throughout. Development is linked by local streets and is most commonly accessed by multiple intersections and points of access. While the land use primarily includes single-family dwellings, multi-family dwellings, and townhomes may be located in this land use as well. While the quality of multi-family dwellings and townhomes currently varies, in the case of future infill development, they should maintain a scale, style, and building orientation in order to complement the prevailing character of its surroundings. This category may also include land uses that support residential neighborhoods, such as neighborhood scaled commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions

The Subject Property is not currently being served with City water or sewer.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

December 18, 2012	City Council	Non-Annexation Agreement	Approved
February 17, 2026	City Council	Municipal Services Agreement Ordinance	Approved

February 17, 2026	City Council	Public Hearing	Public hearing held; no further action occurred
February 17, 2026	City Council	First Reading of the Annexation Ordinance	First Reading held; no further action occurred

Recommendation:

Staff recommends approval of the Municipal Services Agreement and annexation schedule.

OPTIONS

1. Approve
2. Deny
3. Postpone Item

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Site Location Map

Exhibit 3 - Draft Annexation Ordinance

Exhibit 4 - Presentation

Respectfully submitted:
Hayley Zagurski, AICP
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