



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Cassey Ogden

**DATE:** May 7, 2024

### **SUBJECT**

Conduct the second of two readings and act on an ordinance of the City of Denton, Texas annexing approximately 6.28 acres of land, generally located 1,176 feet north of E. McKinney Street and east of Trinity Road to the City of Denton, Denton County, Texas; providing for a correction to the City map to include the annexed land; and providing for a savings clause and an effective date. (A23-0003d, M. Forrest Annexation, Angie Manglaris) <https://dentontx.new.swagit.com/videos/300495?ts=11152>

### **BACKGROUND**

The City has initiated a voluntary annexation petition of approximately 6.28 acres of land owned by Lake City Holding, LLC (hereafter referred to collectively as “Owner”) due to the continued and ongoing breach of a Non-Annexation Agreement (NAA) that was executed on October 20, 2020. The subject property is currently developed with a single-family home and is being utilized as a commercial business with associated vehicular storage. This voluntary annexation complies with Subchapter C-3, Chapter 43 of the Texas Local Government Code and with the signed Non-Annexation Agreement which states “upon expiration, or upon breach or termination of this agreement for any reason, or at any point thereafter, then in addition to the City’s other remedies, such act will constitute a petition of voluntary annexation by the owner.”

In December 2022, City staff received a complaint regarding the use of the subject property as a commercial business with associated vehicle storage. Staff researched the matter and determined the subject property to be in violation of the NAA which stipulates the use of the subject property is limited to farm-related and ranch-related uses and customary accessory uses, and single-family detached farm or ranch dwellings, provided that no single-family dwelling may be located or constructed on a lot smaller than five (5) acres unless the lot was created prior to the date of the agreement.

On December 28, 2022, a Notice of Violation was sent to the Owner, explaining the property was in violation of the NAA and providing a compliance date of January 23, 2023. The subject property continued to remain in violation through the Spring of 2023, and on May 31, 2023, City staff sent a letter informing the Owner of a continued breach of the executed NAA for the property and stated the Owner could either cease to operate the commercial land uses on the property or begin the annexation process.

On August 24, 2023, the Owner submitted a voluntary petition for annexation to the City and submitted for a Pre-application Conference on August 30, 2023. On September 7, 2023, City staff returned the first round of review comments for the voluntary annexation petition and noted resubmittal was required to address outstanding comments.

On November 30, 2023 and December 12, 2023, staff sent emails to the Owner inquiring on the status of the Annexation Application as well as anticipated resubmittal date and received no response.

On January 3, 2024, City staff held an internal meeting to discuss next steps in the process. It was determined a certified letter would be sent to the property Owner, reminding them of the breach of NAA and providing a deadline for resubmittal of the annexation petition before the City would continue to pursue the voluntary annexation.

On January 11, 2024, City staff sent a certified letter to the Owner with a resubmittal deadline of February 5, 2024. The outstanding application requirements were not received by staff within the allotted timeframe, and therefore, staff is moving forward with the voluntary annexation petition as specified in the signed NAA.

On March 19, 2024, the City Council approved a Municipal Services Agreement between the City of Denton and the property owner, held a public hearing, and conducted the first of two readings of the annexation ordinance. Following the first reading of the annexation ordinance, the ordinance must be published in the newspaper. A copy of the annexation ordinance was published in the Denton Record-Chronicle on Saturday, March 30, 2024, per the City Charter.

The next (and final) step required for a voluntary annexation based upon the requirements of TXLGC Sec. 43.0672 and the City's Charter is to conduct the second of two readings of the annexation ordinance at least 30 days after the publication of the draft annexation ordinance in the newspaper (see steps outlined below).

1. Approval of a Municipal Services Agreement
2. Annexation Public Hearing
3. First Reading of Annexation Ordinance
4. Publication of Annexation Ordinance
- 5. Second Reading and Adoption of Annexation Ordinance**

The subject property is situated approximately 1,176 feet north of E. McKinney Road and immediately to the east of S. Trinity Road. If the annexation is approved, the subject property would immediately be assigned a zoning designation of Rural Residential (RR). In order to continue the existing commercial land use and associated vehicular storage onsite, the Owner would first need to request a rezoning of the property to a district which allows for such uses.

The Future Land Use designation for the subject property is Low Residential.

This category includes the city's predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to five units per acre gross density throughout many of the city's suburban subdivisions. Dwellings in this land use district are generally one to two stories with private driveways and open space, consisting of privately maintained tree canopy and front, back and side yards. Building and driveway orientation, the locations of private garages, building material, and the presence of sidewalks vary by neighborhood and the era of neighborhood development. Generally, these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to local and connector roads. This category may also include land uses that support residential neighborhoods, such as appropriately 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 accessed from S. Trinity Road. There is an existing 8-inch wastewater line and a 12-inch water line that run north/south along S. Trinity Road.

The subject property does not have any FEMA floodplain or Environmentally Sensitive Areas (ESAs) designations.

There are no gas well drilling and production sites located within 1,000 feet of the subject property.

**OPTIONS**

- 1. Approve
- 2. Deny
- 3. Postpone Item

**RECOMMENDATION**

Staff recommends **approval** of the annexation of approximately 6.28 acres of land as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.5.D of the DDC for approval of a Voluntary Annexation.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

<b>Date</b>	<b>Council, Board, Commission</b>	<b>Request</b>	<b>Action</b>
October 20, 2020	City Council	Enter into a Non-Annexation Agreement	Approved
March 19, 2024	City Council	Municipal Services Agreement Ordinance	Approved
March 19, 2024	City Council	Public Hearing	Public hearing held; no further action occurred
March 19, 2024	City Council	First Reading of the Annexation Ordinance	First reading held; no further action occurred
March 30, 2024	NA	Publication of Annexation Ordinance	Published

**EXHIBITS**

- Exhibit 1 - Agenda Information Sheet
- Exhibit 2 - Site Location Map
- Exhibit 3 - Future Land Use Map
- Exhibit 4 - Current Zoning Map
- Exhibit 5 - Draft Annexation Ordinance
- Exhibit 6 - LLC Members List
- Exhibit 7 - Presentation

Respectfully submitted:  
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Planning Director

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