

A17-0001

The Woodlands of McKinney Street

**Ron Menguita – Development Services
Planning Division**

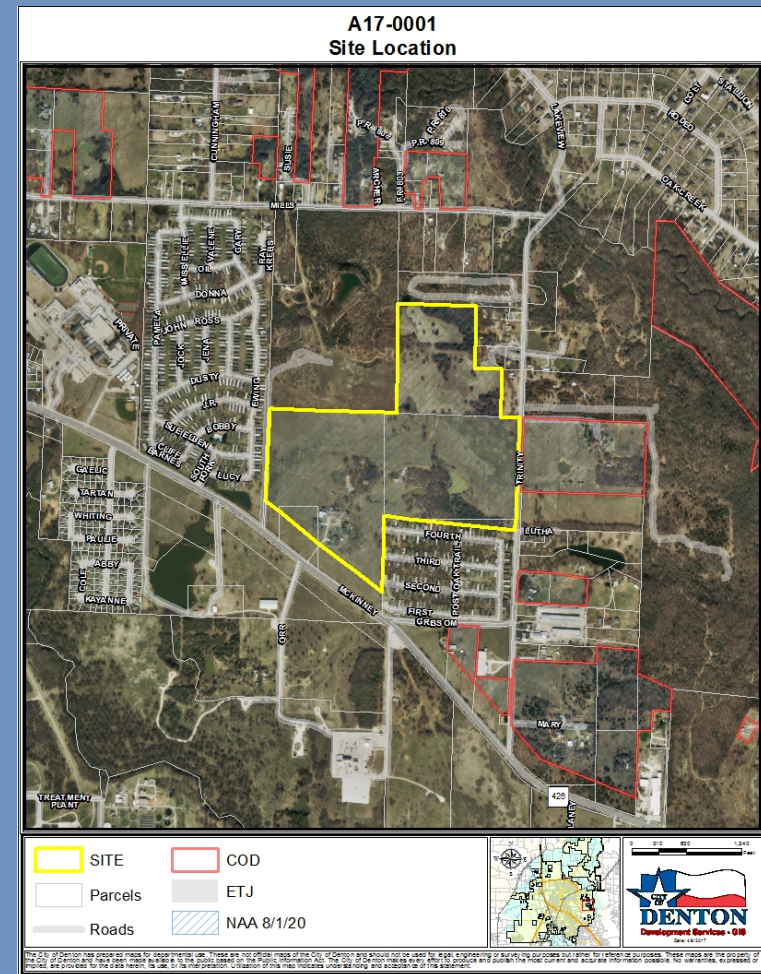
August 22, 2017



Request

- ▶ Conduct the **second** of two readings and consider adoption of an ordinance of the City of Denton voluntarily annexing approximately 118.041 acres of land, generally located north of McKinney Street and west of Trinity Road.

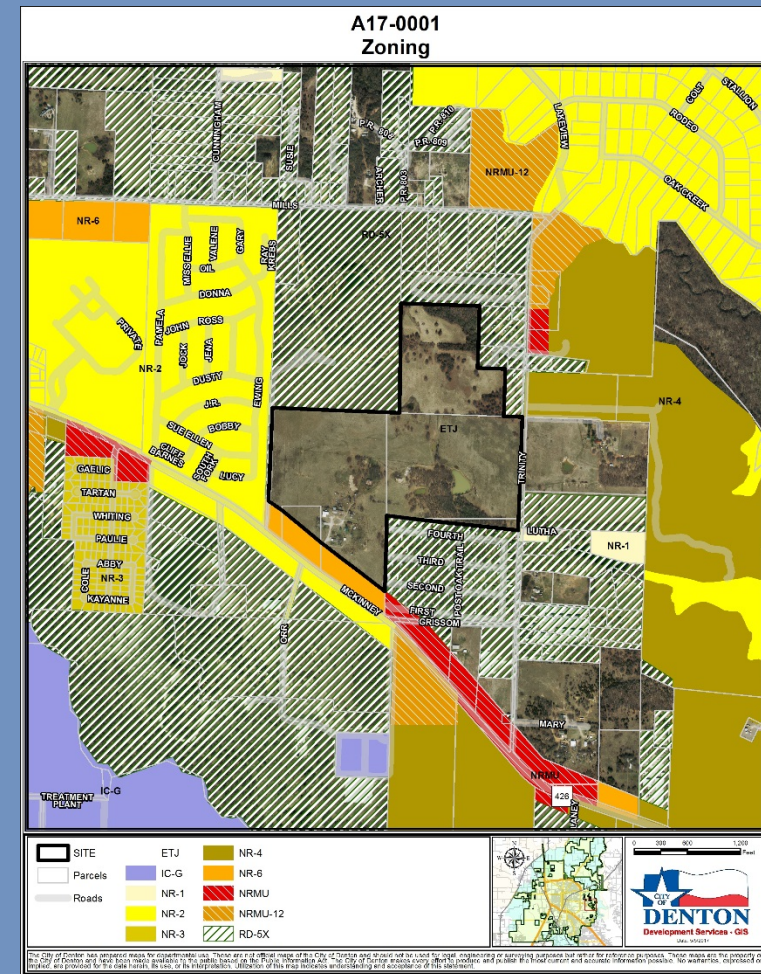
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Proposed Development

- ▶ Non-annexation Agreement (NAA)
- ▶ Manufactured Housing Development
- ▶ Initial Zoning
- ▶ Specific Use Permit

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Annexation Schedule

- ▶ June 13, 2017 - 1st Public Hearing
- ▶ June 20, 2017 - 2nd Public Hearing
- ▶ July 18, 2017 - First Reading of the Annexation Ordinance
- ▶ August 22, 2017 - Second Reading and Adoption of the Annexation Ordinance

Ordinance

- ▶ An ordinance of the City of Denton annexing approximately 118.041 acres of land, generally located north of McKinney Street and west of Trinity Road, more specifically described in Exhibit A and illustrated in Exhibit B; providing for a correction to the city map to include the annexed lands; providing for a savings clause and an effective date.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON ANNEXING APPROXIMATELY 118.041 ACRES OF LAND, GENERALLY LOCATED NORTH OF MCKINNEY STREET AND WEST OF TRINITY ROAD, MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND ILLUSTRATED IN EXHIBIT "B", PROVIDING FOR A CORRECTION TO THE CITY MAP TO INCLUDE THE ANNEXED LANDS; PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE. (A17-0001)

WHEREAS, pursuant to Section 43.052, Subchapter C, Texas Local Government Code, a home rule city is authorized to annex certain area in the 3-year annexation plan; and

WHEREAS, the City of Denton approved a 3-year annexation plan in 2010 under Ordinance 2010-093; and

WHEREAS, certain areas of land in the City were designated agricultural, wildlife management, or timberland use and therefore were excluded from the City's 3-year annexation plan, which said properties are listed in and more specified described in Exhibit A and illustrated in Exhibit B attached hereto and incorporated by reference herein ("Property"); and

WHEREAS, the properties, consisting of property identification numbers 37299, 37308, 114124, and 122017, are included in Non-Annexation Agreements pursuant to Section 212.172 of the Texas Local Government Code in order to retain the land in the City's extraterritorial jurisdiction in exchange for the property owner's covenants not to develop the property and to consent to annexation of the Property upon breach or termination of said agreement; and

WHEREAS, on December 18, 2012, the City of Denton City Council adopted an ordinance (2012-363) providing for acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area generally identified as DH-12; and

WHEREAS, Section 5 of the non-annexation agreements states that the agreement is deemed void in part if a property owner files any application or plan of development for or otherwise commences development of any portion of the subject property inconsistent with the Development Plan provided in Section 2 of the non-annexation agreements. Section 1 and Section 3 of the non-annexation agreements shall thereupon become null and void. Thereafter the City may initiate annexation of the subject property pursuant to TLGC, or other such provisions governing voluntary annexation of land as may then exist; and

WHEREAS, the property owner, The Woodlands on McKinney St. LLC, submitted a Pre-Development Meeting application on December 13, 2016, for the purposes of developing the Property inconsistent with the Development Plan provided in Section 2, which is a breach of the Non-Annexation Agreement; and