



# City of Denton

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

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**CM:** Todd Hileman

**DATE:** August 22, 2017

### **SUBJECT**

Conduct the second of two readings and consider adoption of an ordinance of the City of Denton for an involuntary annexation of approximately 6.71 acres of land, generally located north of Brush Creek Road and east of Fort Worth Drive by the City of Denton, Texas; providing for a savings clause and an effective date.

### **BACKGROUND**

At the February 7, 2017 meeting, the City Council directed staff to pursue annexation of a 6.71 acre tract of land generally located north of Brush Creek Road and east of Fort Worth Drive. The subject property is part of a larger site, in total approximately an 18 acre site, of which the remaining portion of the site (approximately 11 acres) is already located within the City of Denton. The property owner is proposing a commercial and multi-family development on the entire 18 acre site. The portion of the site currently within the City limits is zoned Neighborhood Residential 1 (NR-1) District, in which neither one of the proposed developments by the property owner is permitted. Therefore, the existing portion of the site within the City would have to be rezoned and the proposed 6.71-acre annexed property would have to be zoned. Based on the Future Land Use Map, the area is designated as Neighborhood Mixed Use.

On March 7, 2017, the property owner was sent a certified letter notifying of the City's intent to annex the remaining 6.71 acre tract of property because the proposed development meets the City's criteria for annexation. The proposed development:

- will require connection to City public services;
- is within the City's Certificate of Convenience and Necessity boundary for water, sewer, and electric services;
- is partially in the City limits and in the City's ETJ; and
- will have a significant impact upon the City in terms of service costs, increased traffic, and utility needs.

In reviewing the proposed annexation, staff considered the following:

1. The ability of the city to provide infrastructure and public services equal to other comparable areas inside the city limits.
  - *Water service for this site would require extension of an 8-inch main along Brush Creek Road to applicant's southwest property corner (approximately 550 feet). An extension of gravity wastewater service to this site would be required.*
  - *DME has a main line circuit US 377 (Fort Worth Drive) right-of-way near the property.*
  - *Solid Waste will add this property to existing routes.*
  - *Policing of the subject site would comply with required response times.*

2. The reliability, capacity, and future public cost, if any, of current and planned provisions for community facilities, including but not limited to roads, drainage, and utilities.  
*The terms of the needed improvements/upgrades will be determined upon platting and permitting and funding will be the responsibility of the developer.*
3. The need and quality of land use and building controls.  
*The annexation of the subject property into the city will enable the use of development and design standards in the Denton Development Code (DDC), minimizing the impacts of the proposed commercial and multifamily development on adjacent neighborhoods.*
4. Conformance with the Land Use Element of the City's comprehensive plan.  
*The subject property is located in the transition area between the area designated as Neighborhood Mixed Use (along Fort Worth Drive), and the area designated as Rural Areas (located in the ETJ). The proposed mixed use development with both commercial and multifamily components complies with this designation.*
5. Impact on the City, both current and long range, including at a minimum.  
*Anticipated impacts to the City will be minimal as noted in Items 1 to 3, above.*
6. The property meets the minimum requirements for annexation in accordance with state law.  
*The property complies with all minimum requirements for annexation as set forth by the Texas Local Government Code as stated in Chapter 43, Subchapter C-1, Annexation Procedure for Areas Exempted from Municipal Annexation Plan.*

The property owner did not respond to the City's annexation notification and as a result, Staff initiated the involuntary annexation proceedings in accordance with state law. After continued effort to contact the property owner, Staff met with the property owner to discuss the annexation process. The property owner stated that he is not in favor of the annexation.

The tentative schedule for this annexation is as follows:

- May 23, 2017 - City Council meeting setting the 1<sup>st</sup> and 2<sup>nd</sup> public hearing dates and authorizing the publication of notice of the public hearings - **Complete**
- June 13, 2017 – 1<sup>st</sup> Public Hearing - **Complete**
- June 20, 2017 – 2<sup>nd</sup> Public Hearing - **Complete**
- July 18, 2017 – First Reading of the Annexation Ordinance - **Complete**
- July 19, 2017 – Publication of the Annexation Ordinance in the newspaper - **Complete**
- August 22, 2017 - Second Reading and Adoption of the Annexation Ordinance

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

February 7, 2017, the City Council directed staff to pursue annexation of the subject.

May 23, 2017, the City Council approved the 1<sup>st</sup> and 2<sup>nd</sup> public hearing dates and authorized the publication of notice of the public hearings

June 13, 2017, the City Council held the first of two required public hearings for the annexation of the subject property.

June 20, 2017, the City Council held the second of two required public hearings for the annexation of the subject property.

July 18, 2017, the City Council held the first of two readings of the annexation ordinance.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundations of the plan are the five long-term Key Focus Areas (KFA): Organizational Excellence, Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:       Economic Development**  
**Related Goal:                   3.4 Encourage development, redevelopment, recruitment, and retention**

### **EXHIBITS**

1. Agenda Information Sheet
2. Location Map
3. Zoning Map
4. Draft Ordinance
5. Staff Presentation

Respectfully submitted:  
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