

Mayor and Council Communication

DATE: 03/26/24

M&C FILE NUMBER: M&C 24-0231

LOG NAME: 06AX-23-010 WHITACRE TRACT – OWNER INITIATED

SUBJECT

(Future CD 10) Conduct Public Hearing, Authorize Execution of Municipal Services Agreement and Consider Adopting Ordinance for the Proposed Owner-Initiated Annexation of Approximately 18.49 Acres of Land in Denton County, Known as the Whitacre Tract, Located North of Old Denton Road and West of Elizabethtown Cemetery Road, in the Far North Planning Sector, AX-23-010

(PUBLIC HEARING - a. Report of City Staff: Stuart Campbell; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct public hearing for the proposed owner-initiated annexation of approximately 18.49 acres of land in Denton County, known as the Whitacre Tract, located north of Old Denton Road and west of Elizabethtown Cemetery Road, as shown on Exhibit A;
2. Authorize execution of municipal services agreement between the City of Fort Worth and property owners, AIL Investment, LP; and
3. Adopt ordinance annexing the property described in AX-23-010 for full purposes

DISCUSSION:

On November 15, 2023, representatives for the property owners AIL Investment, LP, submitted a request for full-purpose annexation of the property shown on Exhibit A into the City of Fort Worth (City). The subject property is located entirely in that portion of the City's extraterritorial jurisdiction which is in Denton County. The site is located north of Old Denton Road and west of Elizabethtown Cemetery Road. The owner-initiated annexation, which is approximately 18.49 acres, is part of an enclave. Annexation of this site is consistent with the urban development annexation criteria as established by the City's Annexation Policy of being development that will require water, sewerage and other municipal services to promote public health, safety and welfare.

The subject area is currently agricultural and vacant land. The property owner proposes the site for industrial development. The proposed land use is inconsistent with the future land use map of the 2023 Comprehensive Plan. Per Subdivision Ordinance, Section 31-2(b)(1), the City Plan Commission is required to study and make a recommendation on proposals for voluntary annexations that are inconsistent with the Comprehensive Plan. On January 24, 2024, the City Plan Commission voted unanimously to recommend approval of the inconsistent land uses proposed in annexation case AX-23-010.

The 2023 Comprehensive Plan identifies the future land use for this site as Light Industrial. The City Plan Commission recommends a change the future land use map for this site, from "Light Industrial" to "Industrial Growth Center". The proposed development is compatible with current surrounding land uses, but not consistent with the future land use.

The related zoning case (ZC-23-189) was heard by the Zoning Commission on February 14, 2024. The Commission voted to recommend approval of the requested zoning district of "K" Heavy Industrial. This related zoning case is on this March 26, 2024 City Council agenda for consideration.

The site is currently in the City's Certificate of Convenience and Necessity (CCN). Furthermore, this site is also located within one of the City's 20-year Planned Service Areas.

Subchapter C-3 of Chapter 43 of the Texas Local Government Code (LGC) provides for the process of annexation of an area upon a request of an owner of land. Section 43.0672 of the LGC requires a municipality that elects to annex an area upon the request of an owner first negotiate and enter into a written agreement with the owners of land in the area for the provision of municipal services.

The agreement must include:

1. A list of each service the municipality will provide on the effective date of the annexation; and
2. A schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

The municipal services agreement includes these provisions in accordance with state law.

Emergency services will be provided through the City of Fort Worth. The City's Fire Department will provide emergency and fire protection services comparable with the provision of services available in other parts of the municipality with topography, land use and population density similar to be the level of service contemplated or projected in the area. Emergency medical services will be provided by City's Fire Department and MedStar or other entity engaged by the City. The City's Police Department will provide protection and law enforcement services.

The proposed uses were considered while assessing the financial impact to the General Fund. A fiscal impact analysis was prepared by the Fort

Worth Lab with the assistance of other City Departments. City tax revenue is expected to have a positive fiscal impact over the next ten years after the proposed development has been built. Based on the operating costs projected from the Police, Code Compliance and Transportation and Public Works Departments, the fiscal impact shows a slightly negative effect to the General Fund for the first year, but will have a positive impact thereafter. Therefore, due to the ability of the area to meet the City's criteria for full-purpose annexation staff recommends approval of the requested owner-initiated annexation, AX-23-010.

The City Council will conduct a public hearing on the proposed annexation. The public hearing is an opportunity for persons interested in the annexation to be heard. Once the City Council has conducted the required public hearing, Council may close the hearing and vote on annexing AX-23-010 for full purposes.

If annexed, this property will become part of COUNCIL DISTRICT 10.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that based upon approval of the above recommendations and adoption of the attached ordinance, the annexation will have a long-term positive impact to the General Fund.

Submitted for City Manager's Office by: Dana Burghdoff 8018

Originating Business Unit Head: D.J. Harrell 8032

Additional Information Contact: