

# Mayor and Council Communication

**DATE:** 10/31/23

**M&C FILE NUMBER:** M&C 23-0909

**LOG NAME:** 06AX-22-008 THE PHOENIX – OWNER INITIATED

## **SUBJECT**

(CD 8) Conduct Public Hearing, Authorize Execution of Municipal Services Agreement and Consider Adopting Ordinance for the Proposed Owner-Initiated Annexation of Approximately 134.12 Acres of Land in Tarrant County, Known as The Phoenix, Located Along the Eastern Edge of Race Street, North of McPherson Road and South Oak Grove Shelby Road, in the Far South Planning Sector, AX-22-008 (Continued from a Previous Meeting)

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

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Conduct public hearing for the proposed owner-initiated annexation of approximately 134.12 acres of land in Tarrant County, known as The Phoenix, located along the eastern edge of Race Street, north of McPherson Road and south of Oak Grove Shelby Road, as shown on Exhibit A;
2. Authorize execution of municipal services agreement between the City and property owner, Kevin Vuong; and
3. Adopt ordinance annexing AX-22-008 for full purposes.

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## **DISCUSSION:**

On August 1, 2022, representatives for the property owner Kevin Vuong, submitted a request for full-purpose annexation of the property shown on Exhibit A into the City of Fort Worth. The subject property is located entirely in that portion of the City's extraterritorial jurisdiction which is in Tarrant County. The site is located along the eastern edge of Race Street, north of McPherson Road and south of Oak Grove Shelby Road. The owner-initiated annexation, which is approximately 134.12 acres, is consistent with the urban development annexation criteria as established by the City's Annexation Policy. The subject area is currently agricultural land and the property owner's proposal of residential and commercial type development is mostly consistent with the future land use map of the 2023 Comprehensive Plan.

On July 12, 2023, the related zoning case (ZC-23-066) was heard by the Zoning Commission, and the commission voted unanimously in favor to recommend approval of the requested zoning to City Council. The requested zoning is "A-5" One-Family, "CR" Low Density and "F" General Commercial.

Upon annexation, the development will be added to the Transportation Impact Fee Service Area Z and will be subject to the Transportation Impact Fee Ordinance. The development will receive transportation impact fee credit for the dedication and construction of Oak Grove Shelby Road as it is listed as a roadway on the City's Master Thoroughfare Plan and the dedication and construction is adding necessary regional mobility for the City. The collection rate for the service area will be dependent upon the date of the final plat recordation.

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 ten-year fiscal impact analysis was prepared by the Fort Worth Lab with the assistance of other City Departments. Due to the ability of the area to meet the City's criteria for full-purpose annexation as stated in Appendix F: Annexation Policy & Program of the 2023 Comprehensive Plan, staff recommends approval of the requested owner-initiated annexation, AX-22-008.

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-22-008 for full purposes.

If annexed, this property will become part of COUNCIL DISTRICT 8.

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**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:**

Expedited