

Mayor and Council Communication

DATE: 09/17/24

M&C FILE NUMBER: M&C 24-0825

LOG NAME: 06AX-24-007; LDS – NEW GRANGER, 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 4.039 Acres of Land in Denton County, Known as LDS – New Granger, and Approximately 1.912 Acres of Adjacent Right-Of-Way, Located West of Blue Mound Road and South of Highway 114, in the Far North Planning Sector, AX-24-007

(PUBLIC HEARING - a. Report of City Staff: Derek Hull; 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 4.039 acres of land in Denton County, for the continued use as a church known as LDS – New Granger, and approximately 1.912 acres of adjacent right-of-way, located west of Blue Mound Road and south of Highway 114, as shown on Exhibit A;
2. Adopt ordinance annexing AX-24-007 for full purposes; and
3. Authorize execution of municipal services agreement between the City of Fort Worth and property owners, The Church of Jesus Christ of Latter-Day Saints, A Utah Corporation Sole.

DISCUSSION:

On June 4, 2024, representatives for the property owners, The Church of Jesus Christ of Latter-Day Saints, A Utah Corporation Sole, 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 west of Blue Mound Road and south of Highway 114. The owner-initiated annexation, which is approximately 4.039 acres, is consistent with the urban development annexation criteria as established by the City's Annexation Policy. In accordance with Chapter 43, section 43.106, approximately 1.951 acres of adjacent right-of-way will be annexed into the City's corporate limits.

The property is part of an enclave surrounded by the City and is currently being used as a church. The property owner intends to continue to use the property as a church. The proposed land use is inconsistent with the 2023 Comprehensive Plan. The 2023 Comprehensive Plan identifies the future land use for this property as General Commercial. The use of the property as a church is compatible with current surrounding land uses, but not consistent with the future land use. In accordance with Chapter, Section 2-70 of the City Code, the Plan Commission will make a recommendation to the City Council on proposals for voluntary annexation that are inconsistent with the Comprehensive Plan. On August 28, 2024, the City Plan Commission voted unanimously to recommend approval of the inconsistent land uses proposed in annexation case AX-24-007.

The companion zoning case (ZC-24-088) was heard by the Zoning Commission on September 11, 2024. The Zoning Commission recommended the approval of the requested zoning of the unzoned area to the Community Facilities "CF" zoning district for approximately 4.039 acres. The companion zoning case is scheduled for a public hearing by the City Council on September 17, 2024.

The proposed site for annexation is located fully within the City of Fort Worth's Certificate of Convenience and Necessity (CCN), which grants the City exclusive rights to provide retail water and/or sewer utility service. This site is also located within the 20-Year Plan service area as identified in the 2023 Comprehensive Plan.

The City is annexing the property under the authority granted in Subchapter C-3 of Chapter 43 of the Texas Local Government Code (TLGC) wherein it provides for the process of annexation of an area upon a request of an owner of land. Section 43.0672 of the TLGC requires a municipality that elects to annex an area upon the request of an owner to 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 attached municipal services agreement includes these provisions in accordance with state law.

The proposed uses were considered while assessing the financial impact to the General Fund. A Fiscal Impact Analysis was prepared by the FWLab Planning Division with the assistance of other City Departments. Annual impacts on the General Fund are expected to be negative following annexation, based on the information provided by City departments and the developer. The FWLab has determined that the annexation

meets the City's criteria for full-purpose annexation due to its location as part of an enclave and aligns with the Comprehensive Plan policies, the long-term financial sustainability poses a potential concern. 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-24-007.

The City Council will conduct a public hearing on the proposed annexation to allow person interested in the annexation an opportunity to be heard. Notice of the public hearing has been posted in accordance with section 43.0673 of the TLGC. Upon conclusion and closure of the required public hearing, the City Council may take final action on the ordinance annexing AX-24-007 for full purposes and the municipal services agreement.

Upon approval of the annexation, 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 negative 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