



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 18, 2024

Re: 1301 S. Olivet Road Annexation – Permanent Zoning (B45-24) – Supplemental Memo

Executive Summary

An additional property owner signature has been submitted and verified in opposition to the proposed R-2 (Two-Family Dwelling) permanent zoning of the eastern 30-acres of the subject 67.59-acre tract upon annexation. This additional signature increases the percentage of adjoining properties within 185-feet of the overall tract opposed the requested R-2 permanent rezoning of from 84.13 % to 95.33%. Given a protest petition has been received and verified with respect to B45-24, per Section 29-6.4(n)(1)(ii)(E) of the UDC, approval of the proposed permanent zoning by an affirmative vote of 2/3-thirds (5 of 7) of the seated and not disqualified Council members at the time action is taken.

Discussion

An additional signature has been added to a previously submitted and verified protest petition associated with B45-24. This additional signature increases the percentage of property within 185-feet of the subject site (67.59-acres) in opposition to the proposed R-2 (Two-Family Dwelling) permanent zoning, upon annexation, of the eastern 30-acres of the overall site from 84.13% to 95.33%.

No additional modifications to B45-24, aside from the added protest petition signature, have made since its introduction on March 4, 2024. Given the submitted and verified protest petition contains signatures of the property owners of greater than 30% of the property within 185-feet of the subject site, per Section 29-6.4(n)(1)(ii)(E) of the UDC, approval of the proposed permanent zoning by an affirmative vote of 2/3-thirds (5 of 7) of the seated and not disqualified Council members at the time action is taken.

It should be noted that the protest petition has been submitted in opposition to the permanent zoning of the eastern 30-acres (Tract #1) of the overall 67.59-acre subject site. The remaining 37.59-acres of the site is proposed to be permanently zoned R-1 (One-Family Dwelling) was not opposed by the adjoining property owners.

This matter was considered by the Planning and Zoning Commission at their February 8th, 2024 meeting. Following presentations by the staff and the applicant's representative as well as public testimony, the Planning Commission moved to approve the permanent zoning request as presented by the applicant, pursuant to annexation. However, prior to action being taken on that motion an amendment to it was made and approved (4-3) to divide the request into recommendations based on the requested zoning of each tract. The Commission then made motions to approve of the requested R-1 zoning on Tract 2 which passed (4-3) and the requested R-2 zoning on Tract 1 which failed (1-6).



A copy of the updated protest petition, verified signatories, and protest petition map are attached.

Fiscal Impact

Short-Term Impact: Impacts remain unchanged from introduction of B45-24. All costs associated with the extension of public infrastructure systems will be borne by the applicant.

Long-Term Impact: On-going maintenance of public infrastructure and provision of public safety and solid waste services. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Infrastructure

Legislative History

Date	Action
03/04/2024	Request for permanent zoning of 67.59-acres to R-1 & R-2 (B45-24)
03/04/2024	Held required public hearing
02/19/2024	Set public hearing on annexation. (R32-24)

Suggested Council Action

Deny requested permanent zoning as recommended by Planning and Zoning Commission. If approval of the applicant's request is desired, an affirmative vote of 2/3-thirds (5 of 7) of the seated and not disqualified Council members at the time action is taken will be required.