



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 17, 2021

Re: 2550 & 2700 E. Gans Road – Annexation/Permanent Zoning (Case #91-2021) - Supplemental Memo (Protest Petition)

Executive Summary

A protest petition has been submitted for Case # 91-2021. The petition has been reviewed pursuant to Section 29-6.4(n)(1)(ii)(E) of the Unified Development Code. Pursuant to said section, the petition has **failed** to meet the 30% threshold of signatures of the owners of adjacent property within 185-feet of the subject site necessary to trigger a two-thirds (2/3), 5 of the 7 Council members, affirmative vote to approve the requested assignment of R-1 zoning upon annexation of the subject property.

Discussion

The City Clerk has received a protest petition from one adjacent property owner for Case # 91-2021. The submitted petition has been reviewed by Planning staff and found to not meet the provisions of Section 29-6.4(n)(1)(ii)(E) of the Unified Development Code. The single signatory was found to be a valid participant in the protest petition process, but alone does not own enough of the adjacent property to validate a protest petition.

Pursuant to the UDC, a valid protest petition must include verified signatures of the owners of 30% or more, either of the area of land (exclusive of right of way and alleys) included within such proposed change, or within an area determined by lines drawn parallel to and 185-feet distant from the boundaries of the area proposed to be changed.

A spreadsheet of pertinent information regarding the land area of neighboring properties and a map of the protesting property is attached. Based upon staff's evaluation of the verified signature and the area of that property within the 185-foot boundary surrounding the subject site, it has been determined that the owner represents approximately 0.59% of the protest petition area.

Pursuant to the UDC, the petition **fails** to meet the 30% threshold of signatures of the owners of adjacent property which would trigger an affirmative vote of two-thirds (2/3), 5 of the 7 Council members, for approval of the requested assignment of R-1 zoning upon annexation of the subject property.

The protest petition, protest petition spreadsheet, and protest petition map are attached for review.



Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

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

[Comprehensive Plan Impacts:](#)

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable

Legislative History

Date	Action
5/3/21	Introduction of establishing permanent District R-1 (One-family Dwelling) zoning on property addressed 2550 and 2700 E. Gans Road upon annexation (B157-21)

Suggested Council Action

This report is to provide information on the protest petition received by the City Clerk.