

## **MEMORANDUM**

**To:** Mayor and City Council  
**Through:** Kari Kent, Deputy City Manager  
**From:** John Wesley, Planning Director *JW*  
**Date:** May 19, 2014  
**Subject:** Z14-006, 5656 East Albany Street, proposed "Farnsworth" subdivision  
Rezone from RS-9 AS to RSL-2.5 PAD

Attached for your review is a Legal Protest that was submitted in opposition to the proposed rezoning request for Z14-006 at 5656 East Albany Street, which is located East of North 56<sup>th</sup> Street and North of East Main Street. The protest was received by the office of the Planning Director on Thursday, May 8, 2014.

Per Section 11-67-4 of the City of Mesa Zoning Ordinance:

**E. Conditions Requiring Mandatory Supermajority Vote by City Council.**

1. A protest in writing against such a proposal is filed by the owners of 20-percent or more of the area of lots described by conditions in Section 2, below.
2. Conditions:
  - a. All lots included in the proposal, or
  - b. Within 150-feet and immediately adjacent to the rear or any side of the proposal site, or
  - c. Extending 150-feet from the street frontage of the lots opposite the lots included in the proposal.
3. Such written protests shall be filed in the office of the Planning Director by no later than 12:00 noon the Monday of the week prior to the City Council meeting at which the proposal is scheduled to be considered, unless City offices are closed on that Monday because of a local, State or national holiday, then the protest must be filed by 12:00 noon the next business day.

Staff has analyzed the Legal Protest petition and verified that the signatures are property owners and the number of signatures provided exceeds 20% of the lots within 150-feet of one side. The Legal Protest submitted exceeds the requirement with signatures that constitute more than 20% on two sides of the property. A map has been included that identifies that the petition was signed by 74.6% of the property owners on the east as well as 77.3% of the property owners on the north.

In addition to the Legal Protest, a petition was submitted in opposition of this case with 1,824 signatures.





Case Z14-006

- 150 ft. Viewshed
- West Legal Protest: 16.2%
- East Legal Protest: 74.6%
- North Legal Protest: 77.3%
- Case in question
- City Limits

