

Memorandum

City of Lawrence

Planning & Development Services

TO: Mary Miller, Planner
FROM: David Guntert, GIS Planner
CC: Scott McCullough, Director
Randy Larkin, Senior City Attorney
Date: August 14, 2012
RE: Calculations for Z-4-5-12 Protest Petition; A & B-1 to CC600

Protest petitions were filed in the City Clerk's Office on June 4, 2012, pertaining to the referenced request for rezoning. Two property owner notification lists were prepared by the Douglas County Clerk's Office. One list included all parcels lying within 1000 feet of the property in the rezoning request. The other list included all parcels lying within 200 feet of the property, which is the minimum notification requirement for properties within the city limits of Lawrence. The attached map shows the combined notification areas outlined with a bright red line.

The only parcels captured in the notification area boundary are parcels in the unincorporated area of Douglas County. The extraordinary wide highway right-of-way just east of the property in the rezoning request eliminates from the notification area any parcels within the city limits. In sum, there are twenty-three (23) parcels within the required 1,000 feet notification distance of the rezoning request. The total area of the real property represented by those 23 parcels is 191.52 acres. For the protest petition to be valid, it must contain the signatures of all owners of record of 20% of the real property within the notification area, or 38.3 acres.

In accordance with K.S.A. 2011 Supp. 25-3601(a), staff forwarded the protest petitions to the county election official to determine the sufficiency of each signature and the sufficiency of the number of the signatures. The county election official determined that the signatures of the owners of record of 8 parcels were sufficient. The county election officer also determined that the area represented by those 8 parcels is 65.1 acres, or approximately 34% of the real property within the notification area. Because owners of record of more than 20% of the real property within the notification area signed the protest petition, the county election official determined that the protest petitions, taken together, are valid.

The county election officer disregarded 4 parcels of real property within the notification area because those parcels have joint ownership interests and the county election officer determined that only one of the owners of record signed the petition.

The protest petitions also included the signature of an agent and attorney for the property owners of record of two parcels within the notification area. The county election official accepted that signature as sufficient and counted the acreage of those parcels in making his final determination.

The attached map illustrates, in a pink color, those parcels for which the county election officer determined the signatures of the owners of record were sufficient. The properties whose owners signed the petition, but were disregarded as insufficient, are identified in a sand color. Other properties in the notification area that did not participate in the protest petition are shown in a light green color.

The calculations for determining the validity of the protest petitions are shown below:

Total Area of all Parcels w/in the notice area of the Rezoning Request	191.52 acres
Total Area of Parcels inside the Buffer Whose Owners are Protesting the Rezoning Request (8 Parcels)	65.1 acres
Percent of Total Parcel Area in Protest Petition	$65.1 \text{ acres} / 191.52 \text{ acres} = 34\%$