



## City of Ann Arbor

### PLANNING SERVICES

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### MEMORANDUM

To: Mayor and City Council

From: Brett Lenart, Planning Manager

RE: **City Initiated Annexed Properties – Rezoning (January 4, 2021 Agenda Item B-1)**

Date: January 4, 2021

Today, the City received a protest petition for the rezoning of three of the 26 properties under consideration on this evening's agenda. The protest petition objects to zoning the property single family residential and encourages a zoning that would allow a higher density and intensity of development.

As the City has combined numerous noncontiguous properties in this Ordinance, consistent with past practice, the application of a protest petition is unique.

Based on property ownership and Section 5.29.9.E of the UDC, this protest has the effect of requiring eight affirmative votes of City Council to enact the rezoning of the following three parcels (the first three parcels in Section 2 of the Ordinance):

147 S. Wagner Road

LOT 51, WESTOVER HILLS SUBDIVISION, AS RECORDED IN LIBER 5 OF PLATS, PAGE 32, WASHTENAW COUNTY RECORDS.  
Tax ID: 09-08-25-216-015

167 S. Wagner Road

LOT 55, WESTOVER HILLS SUBDIVISION, AS RECORDED IN LIBER 5 OF PLATS, PAGE 32, WASHTENAW COUNTY RECORDS.  
Tax ID: 09-08-25-216-016

175 S. Wagner Road

LOT 57, WESTOVER HILLS SUBDIVISION, AS RECORDED IN LIBER 5 OF PLATS, PAGE 32, WASHTENAW COUNTY RECORDS.  
Tax ID: 09-08-25-216-017

As the Ordinance proposes to rezone numerous properties, in addition to those identified here, in consultation with the City Attorney's Office, I recommend that City Council consider adding the following section to the proposed Ordinance that would reflect this requirement:

Section 3: That if a valid zoning protest petition is filed and verified by the City in regards to any of the properties proposed for rezoning, and if this ordinance does not receive at least eight affirmative votes of City Council, then the rezoning will fail only as to those specific properties subject to the protest, and the rezoning of those properties will be removed from publication of the ordinance and the denial of the rezoning of those properties will be noted by the Clerk in the final record of the action by the Council.

This would also result in renumbering the existing Section 3 (publication requirements) to Section 4.

In the event that eight affirmative votes are attained, then all properties will be rezoned as proposed. In the event that a majority of City Council approves the ordinance, but less than the required eight votes, then all rezonings will be enacted except those that have received a protest petition (i.e., those specific parcels would have failed to receive the required eight votes based on the protest petition). If the latter occurs, then an alternate zoning designation would be prepared by the Planning Commission and presented in the future on these three parcels.

Both Planning Staff and City Attorney staff will be available this evening if any questions arise.

CC: Tom Crawford, City Administrator  
Derek Delacourt, Community Services Area Administrator  
Kevin McDonald, Deputy City Attorney  
Jackie Beaudry, City Clerk  
File