

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2402 Summary

On July 7, 2016, the City of De Soto, Kansas, adopted Ordinance No. 2402, providing for the amendment of the official zoning map for the City of De Soto to change the zoning of a 6.89-acre tract of tract of land -- located on the west side of the 8900 and 9100 block of Commerce Drive -- from “M-1” Light Industrial District to “R-3” Multi-Family District. However, the change in zoning will only become effective upon and if the following occurs: (1) publication of this Summary in the official city newspaper; and (2) a fully executed Payment in Lieu of Tax Agreement that is authorized by City Council Resolution No. 968; and (3) the passage of 10 days from the date that the Payment in Lieu of Tax Agreement is finally executed. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2402

AN ORDINANCE REZONING A 6.89-ACRE TRACT OF LAND, LOCATED ON THE WEST SIDE OF THE 8900 AND 9100 BLOCK OF COMMERCE DRIVE, FROM THE “M-1” LIGHT INDUSTRIAL DISTRICT TO “R-3” MULTIFAMILY DISTRICT

WHEREAS, the owner [or authorized agent] of the property legally described in the attached **Exhibit A** made application to rezone a 6.89-acre tract of land, located on the west side of the 8900 and 9100 block of Commerce Drive, from the “M-1” Light Industrial District to “R-3” Multi-Family District; and

WHEREAS, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission; and

WHEREAS, the Planning Commission recommended that the City Council deny the requested rezoning from the “M-1” Light Industrial District to “R-3” Multi-Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

Section 1. That the Governing Body, in making its decision on the rezoning request, considered the evidence and recommendation forwarded to it by the City Planning Commission, as well as the following criteria (if applicable) contained in the City’s Zoning Regulations and as required by Kansas law:

- A. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.

- B. Consideration of rezoning applications requesting Planned Development Districts for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage.
- C. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- D. Suitability of the uses to which the property has been restricted under its existing zoning.
- E. Length of time property has remained vacant as zoned.
- F. The extent to which there is a need in the community for the uses allowed in the proposed zoning.
- G. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
- H. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property.
- I. The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
- J. The economic impact on the community from the uses allowed in the proposed zoning.
- K. The extent to which the zoning amendment may detrimentally affect nearby property.
- L. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial.
- M. Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of De Soto.
- N. The recommendation of professional staff.

Section 2. That the Governing Body hereby overrides (by a 2/3 majority vote of the entire governing body) the recommendation by the Planning Commission to deny the rezoning request, and approves the rezoning of the property, described in **Exhibit A** attached hereto, from the “M-1” Light Industrial District to “R-3” Multi-Family District.

Section 3. City Staff is directed to make all necessary changes to the City’s maps and

other records to reflect such change in zoning.

Section 4. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper and 10 days after execution of the Payment in Lieu of Tax Agreement authorized by Resolution No. 968.

PASSED by the Governing Body of the City of De Soto by a 2/3 majority, and approved by the Mayor on the 7th day of July, 2016.

(Seal)

Timothy J. Maniez, Mayor

ATTEST:

Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

EXHIBIT A

All of Lot 8, together with part of Lot 7, CORRIDOR 10 COMMERCE PARK, a subdivision in the City of De Soto, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Lot 8; thence South 00°06'46" West, coincident with the East line of said Lot 8, a distance of 490.00 feet to the Northeast corner of said Lot 7; thence continuing South 00°06'46" West, coincident with the East line of said Lot 7, a distance of 176.78 feet; thence departing said East line, North 89°59'34" West, 450.00 feet to a point on the West line of said Lot 7, said point also being the Northeast corner of Lot 5 of said CORRIDOR 10 COMMERCE PARK; thence North 00°06'46" East, coincident with said West line, 177.61 feet to the Southwest corner of said Lot 8; thence continuing North 00°06'46" East, coincident with the West line of said Lot 8, a distance of 490.00 feet to the Northwest corner thereof; thence South 89°53'14" East, coincident with the North line of said Lot 8, a distance of 450.00 to the Point of Beginning, containing 300,237 square feet, or 6.892 acres, more or less.