

Ordinance No. 2529 Summary

On January 20, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2529, providing for the amendment of the official zoning map for the City of De Soto to change the zoning of 371 acres of land located west of De Soto, bounded on the east by Edgerton Road, on the south by 103rd Street, and on the west and north by K-10 Highway from Johnson County Zoning District "RUR, Rural District" to City of De Soto zoning district "M-1" Industrial – Light District. 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 by clicking the links for "Government", then "City Ordinances", then "Recently Passed Ordinances". This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2529

AN ORDINANCE REZONING PROPERTY WITHIN DE SOTO, KANSAS [371 ACRES LOCATED WEST OF DE SOTO, BOUNDED ON THE EAST BY EDGERTON ROAD, ON THE SOUTH BY 103RD STREET, AND ON THE WEST AND NORTH BY K-10 HIGHWAY] FROM JOHNSON COUNTY KANSAS ZONING DISTRICT "RUR, RURAL DISTRICT" TO CITY OF DE SOTO "M-1" INDUSTRIAL – LIGHT DISTRICT.

WHEREAS, the owners [or authorized agents] of 371 acres of property [legally described in the attached **Exhibit A** and located west of De Soto, bounded on the east by Edgerton Road, on the south by 103rd Street, and on the west and north by K-10 Highway] have requested that the property be rezoned from Johnson County Zoning District "RUR, Rural District to City of De Soto Zoning District "M-1" Industrial – Light 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.

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 overrides the recommendation by the Planning Commission and hereby approves the request that the property described in **Exhibit A** be rezoned from Johnson County Zoning District "RUR, Rural District to City of De Soto Zoning District "M-1" Industrial – Light 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.

PASSED by the Governing Body of the City of De Soto by a 3/4 majority and approved by the Mayor on the 20th day of January 2022.

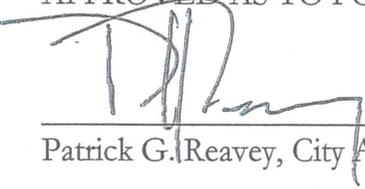
(Seal)

Rick Walker, Mayor

ATTEST:

Brandon Mills, City Clerk

APPROVED AS TO FORM:



Patrick G. Reavey, City Attorney

EXHIBIT A

REZONING DESCRIPTION

A Tract of land being a part of the Section 1, Township 13 South, Range 21 East, of the Sixth Principal Meridian, in Johnson County, Kansas, as surveyed by Brent E. Thompson, PS-1277 with BHC, CLS 175, being more particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of the Northeast Quarter Section 1, Township 13 South, Range 21 East, having a bearing of North 88° 30' 17" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northeast corner of the Northeast Quarter of said Section 1, Township 13 South, Range 21 East, monumented by a found 2-inch aluminum disk;

Thence South 01° 44' 03" East, a distance of 2651.62 feet, on the East line of said Northeast Quarter, to the East Quarter corner of said Section 1, monumented by a found 2-inch aluminum cap;

Thence South 01° 57' 53" East, a distance of 2651.23 feet, on the East line of the Southeast Quarter of said Section 1, to the Southeast corner of said Section 1, monumented by a found 2-inch aluminum disk;

Thence South 88° 53' 30" West, a distance of 2632.75 feet, on the South line of said Southeast Quarter, to the South Quarter corner of said Section 1, monumented by a found cotton gin spike;

Thence South 88° 53' 24" West, a distance of 2553.04 feet, on the South line of the Southwest Quarter of said Section 1, to its intersection with the East Right-of-Way line of Evening Star Road and its southerly prolongation;

Thence North 02° 11' 20" West, a distance of 327.26 feet, on said East Right-of-Way line of Evening Star Road and its southerly prolongation, to a point on the Southeasterly Right-of-Way line of Kansas 10 Highway, as recorded in Document 1278-4 on July 18, 1974;

Thence North 59° 36' 40" East, a distance of 277.00 feet, on said Southeasterly Right-of-Way line;

Thence North 45° 03' 40" East, a distance of 330.20 feet, on said Southeasterly Right-of-Way line;

Thence North 34° 40' 40" East, a distance of 448.30 feet, on said Southeasterly Right-of-Way line;

Thence North 49° 12' 41" East, a distance of 421.25 feet, on said Southeasterly Right-of-Way line to a point on the South line of the Northwest Quarter of said Southwest Quarter;

Thence North 88° 52' 10" East, a distance of 150.70 feet, on the South line of said Northwest Quarter, to the Southeast corner thereof;

Thence North 02° 13' 36" West, a distance of 123.00 feet, on the East line of said Northwest Quarter, to the Southeasterly Right-of-Way line, of said Kansas 10 Highway;

Thence North 44° 30' 01" East, a distance of 933.70 feet, on said Southeasterly Right-of-Way line;

Thence North 35° 58' 01" East, a distance of 687.70 feet, on said Southeasterly Right-of-Way line to a point on the South line of the Northwest Quarter of said Section 1;

Thence North $88^{\circ} 50' 56''$ East, a distance of 212.70 feet, on the South line, of said Northwest Quarter, to the Southeast corner thereof;

Thence North $02^{\circ} 11' 42''$ West, a distance of 293.10 feet, on the East line of said Northwest Quarter, to the Southeasterly Right-of-Way line, of said Kansas 10 Highway;

Thence North $26^{\circ} 05' 31''$ East, a distance of 1103.09 feet, on said Southeasterly Right-of-Way line;

Thence North $29^{\circ} 48' 10''$ East, a distance of 815.00 feet, on said Southeasterly Right-of-Way line ;

Thence North $41^{\circ} 42' 10''$ East, a distance of 542.90 feet, on said Southeasterly Right-of-Way line to a point on the West line of the Northeast Quarter of the Northwest Quarter of said Section 1;

Thence South $01^{\circ} 57' 50''$ East, a distance of 127.60 feet, on the West line of the Northeast Quarter of said Northeast Quarter also being said Southeasterly Right-of-Way line;

Thence North $42^{\circ} 52' 10''$ East, a distance of 411.90 feet, on said Southeasterly Right-of-Way line,

Thence North $49^{\circ} 27' 23''$ East, a distance of 168.13 feet, on said Southeasterly Right-of-Way line to a point on the North line of the Northeast Quarter of said Section 1;

Thence North $88^{\circ} 30' 17''$ East, a distance of 910.38 feet, on the North line, of said Northeast Quarter to the POINT OF BEGINNING, said Tract containing 16,180,841 square feet or 371.4610 acres. Less that part taken for road right of way.

Subject to a boundary survey.