

Ordinance No. 2555 Summary

On November 17, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2555, providing for the amendment of the official zoning map for the City of De Soto to change the zoning of property at 31765 Valley Spring Drive, De Soto, Kansas from City of De Soto Zoning District “C-2” Business – General District to City of De Soto zoning district “R-2” Residential – Medium Density 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 under the heading of “Recently Passed Ordinances” by clicking the “Government” link 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. 2555

AN ORDINANCE REZONING PROPERTY AT 31765 VALLEY SPRING DRIVE, DE SOTO, KANSAS FROM CITY OF DE SOTO ZONING DISTRICT “C-2” BUSINESS – GENERAL DISTRICT TO CITY OF DE SOTO ZONING DISTRICT “R-2” RESIDENTIAL – MEDIUM DENSITY DISTRICT

WHEREAS, the owner [or authorized agent] of property, legally described herein below and located at 31765 Valley Spring Drive, made application to rezone the property from City of De Soto Zoning District “C-2” Business – General District to City of De Soto Zoning district “R-2” Residential – Medium Density 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 grant 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.

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Section 2. That the Governing Body hereby adopts the recommendation by the Planning Commission to approve the rezoning of the following property from City of De Soto Zoning District “C-2” Business – General District to City of De Soto Zoning District “R-2” Residential – Medium Density District:

All that part of the Southeast Quarter of Section 27, Township 12 South, Range 22 East in the City of De Soto, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest Corner of the Southeast Quarter of said Section 27; Thence North 87 degrees 59 minutes 30 seconds East along the North line of the Southeast Quarter of said Section 27, a distance of 560.44 feet; thence South 02 degrees 00 minutes 30 seconds East, a distance of 213.87 feet to the point of beginning, said point being on the center line of West 83rd circle, as now established and centerline of Valley Spring Drive, as now established; thence North 52 degrees 57 minutes 00 seconds East, along the centerline of said West 83rd circle, a distance of 20.63 feet; thence Northeasterly, Easterly and Southeasterly along the centerline of said West 83rd circle on a curve to the right, said curve being tangent to the last described course and having a radius of 200.00 feet, on arc distance of 212.46 feet; thence South 66 degrees 11 minutes 05 seconds East, along the centerline of said West 83rd circle, a distance of 75.30 feet to a point on the West Plat line of Valley Spring Homes Subdivision, a platted subdivision of land in the City of De Soto, Johnson County, Kansas; thence South 01 degrees 28 minutes 40 seconds East, along the West plat line of said Valley Spring Homes Subdivision, a distance of 744-.01 feet to the Southwest Plat Corner of said Valley Spring Homes Subdivision, said point also being on the North Plot line of Arbor Ridge First Plat, a platted subdivision of land in the City of De Soto, Johnson County, Kansas; thence South 87 degrees 59 minutes 30 seconds West, along the North Plat line of said Arbor Ridge First Plot, a distance of 231.54 feet to a point on the centerline of said Valley Spring Drive; thence Northwesterly and Northerly along the centerline of said Valley Spring Drive on a curve to the right, said curve having an initial tangent bearing of North 15 degrees 07 minutes 40 seconds West and radius of 300.00 feet, an arc distance of 71.47 feet; thence North 01 degrees 28 minutes 40 seconds West, along the centerline of said Valley Spring Drive, of distance of 531.94 feet; thence Northerly and Northwesterly along the centerline of said Valley Spring Drive on a curve to the left, said curve being tangent to the last described course and having a radius of 250.00 feet, an arc distance of 155.21 feet to the point of.

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 and approved by the Mayor on the 17th day of November 2022.

(Seal)

Rick Walker, Mayor

ATTEST:

Brandon Mills, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney