

Ordinance No. 2548 Summary

On October 20, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2548, providing for the approval of the recommendation of the City Planning Commission to amend the official zoning map for the City of De Soto to change the zoning of 1,351 acres of land located at the northeast corner of 95th Street and Lexington Avenue from Johnson County “RUR” Rural District zoning designation to City of De Soto “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. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2548

AN ORDINANCE REZONING PROPERTY WITHIN DE SOTO, KANSAS [1,351 ACRES LOCATED AT THE NORTHEAST CORNER OF 95TH STREET AND LEXINGTON AVENUE] 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 1,351 acres of property [legally described and diagrammed in the attached **Exhibit A** and located at the northeast corner of 95th Street and Lexington Avenue] 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 approve 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 adopts the recommendation by the Planning Commission and hereby approves the request that the property described and diagrammed 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.

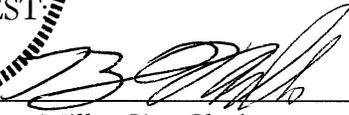
Section 3. City Staff is directed to make all necessary changes to the City’s maps and other records to reflect such change in zoning.

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 and approved by the Mayor on

the 20th day of October 2022.



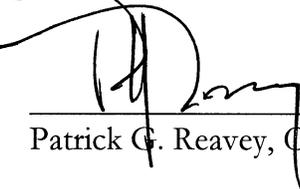


Brandon Mills, City Clerk



Rick Walker, Mayor

APPROVED AS TO FORM:



Patrick G. Reavey, City Attorney

EXHIBIT A

DESCRIPTION:

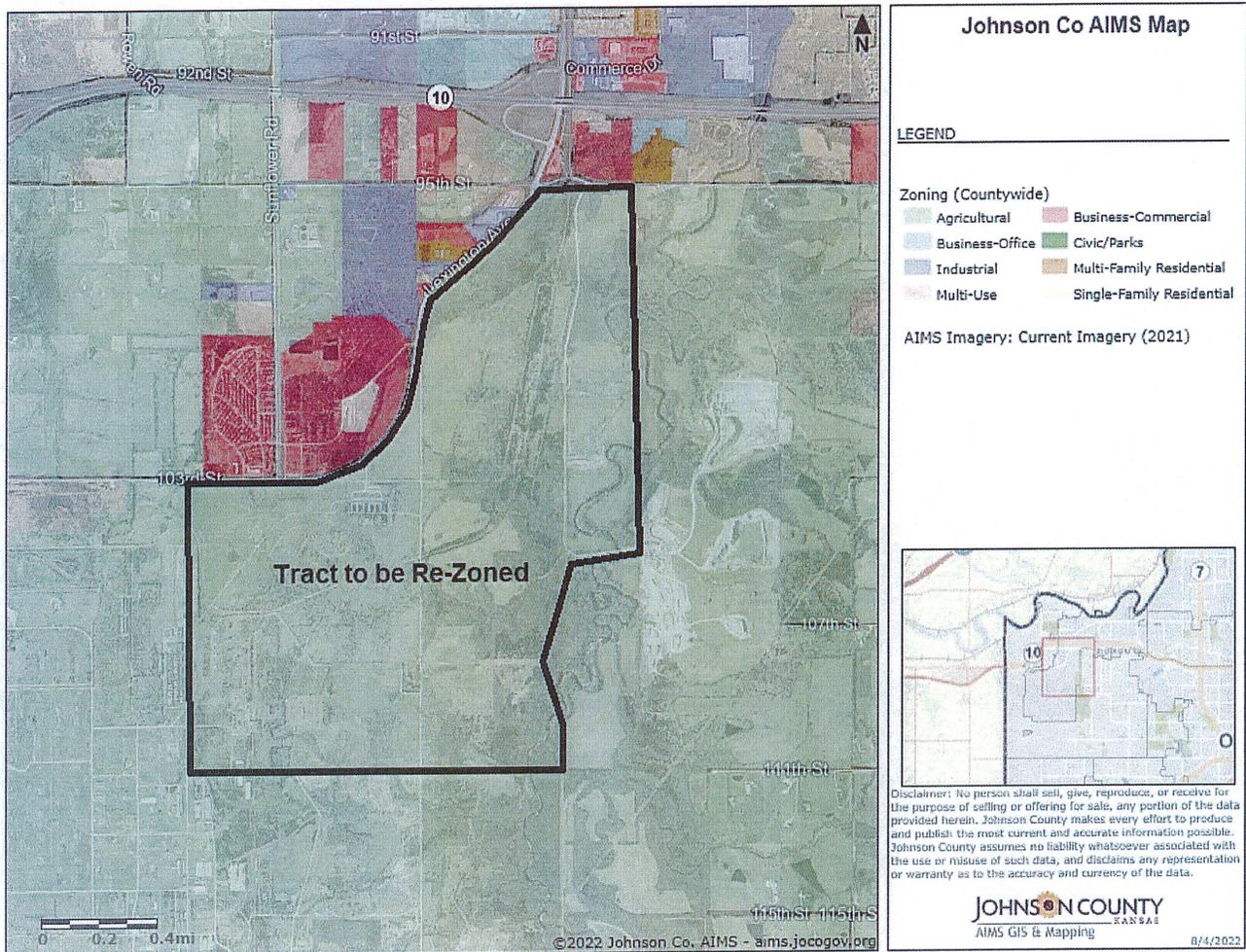
A TRACT OF LAND BEING LOCATED IN JOHNSON COUNTY, KANSAS, BEING ALL THAT PART OF SECTIONS 4, 5, 7, 8 AND 9, TOWNSHIP 13 SOUTH, RANGE 22 EAST ALL EAST OF THE SIXTH PRINCIPAL MERIDIAN, JOHNSON COUNTY, KANSAS. THE INTENDED USE OF THIS DESCRIPTION IS FOR RE-ZONING AND THEREFORE DOES NOT FALL UNDER K.S.A. 19-1434. IF THIS DESCRIPTION IS USED FOR THE TRANSFER OF PROPERTY OR OWNERSHIP A FIELD SURVEY AND CERTIFICATE OF SURVEY, AND NEW DESCRIPTION, MEETING THE MINIMUM STANDARDS FOR LAND SURVEYS IN KANSAS AND THE REQUIREMENTS OF K.S.A. 19-1434 WOULD NEED TO BE PERFORMED AND FILED FOR RECORD AT THE REGISTER OF DEEDS OFFICE IN JOHNSON COUNTY, KANSAS. THIS PARCEL WAS DESCRIBED BY KENNETH J. DEDRICK, PS-1067 ON THIS 20TH DAY OF JULY 2022 AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4, THENCE N 88°24'22" E ON THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 1311.45 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF SAID SECTION 4; THENCE SOUTH 02°46'32" EAST ON THE EAST LINE OF SAID WEST ONE-HALF OF THE WEST ONE-HALF, A DISTANCE OF 5,354.79 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF SAID SECTION 9; THENCE SOUTH 01°50'05" EAST ON THE EAST LINE OF SAID WEST ONE-HALF OF THE WEST ONE-HALF, A DISTANCE OF 1,280.47 FEET, MORE OR LESS TO THE NORTH LINE OF A PARCEL OWNED BY THE JOHNSON COUNTY PARKS & RECREATION DEPARTMENT, AS DESCRIBED IN KANSAS LIMITED WARRANTY DEED FILED IN BOOK 200508, AT PAGE 003613; THENCE SOUTH 78°43'12" WEST ON SAID NORTH LINE, A DISTANCE OF 1,364.98 FEET, MORE OR LESS TO THE WEST LINE OF SAID PARCEL; THENCE SOUTH 10°58'53" WEST ON SAID WEST LINE, A DISTANCE OF 1,820.25 FEET, MORE OR LESS; THENCE SOUTH 20°27'21" EAST CONTINUING ON SAID WEST LINE, A DISTANCE OF 1,377.25 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF SAID SECTION 8; THENCE SOUTH 01°43'48" EAST CONTINUING ON SAID WEST LINE, BEING THE SAME AS THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 657.61 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE SOUTH 01°51'46" EAST ON THE EAST LINE OF SAID SECTION 17, A DISTANCE OF 207.01 FEET; THENCE SOUTH 88°43'29" WEST, A DISTANCE OF 2,641.99 FEET; THENCE SOUTH 88°31'51" WEST, A DISTANCE OF 2,642.99 FEET; THENCE SOUTH 88°19'16" WEST, A DISTANCE OF 1,694.57 FEET; THENCE NORTH 02°03'30" EAST, A DISTANCE OF 5,447.67 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF KANSAS STATE HIGHWAY NO. 10 AS DESCRIBED IN DEED RECORD NO. 151; THENCE NORTH 88°35'13" EAST ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,698.04 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 8 LYING 40.00 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE NORTH 88°42'01" EAST CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 436.48 FEET TO A POINT OF TANGENT CURVE; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 2,062.40 FEET, A DELTA ANGLE OF 82°33'30", AND AN ARC LENGTH OF 2,971.74 FEET TO A POINT; THENCE NORTH 06°08'01" EAST CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,210.20 FEET TO A POINT OF TANGENT CURVE; THENCE

CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 915.40 FEET, A DELTA ANGLE OF $41^{\circ}19'51''$, AND AN ARC LENGTH OF 660.33 FEET TO A POINT; THENCE NORTH $49^{\circ}29'01''$ EAST CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,604.70 FEET TO A POINT OF TANGENT CURVE; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 1,472.70 FEET, A DELTA ANGLE OF $28^{\circ}34'42''$, WITH AN ARC LENGTH OF 734.56 FEET TO A POINT; THENCE NORTH $20^{\circ}54'01''$ EAST CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 225.06 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 5; THENCE NORTH $88^{\circ}26'13''$ EAST ON SAID NORTH LINE, A DISTANCE OF 461.86 FEET TO THE POINT OF BEGINNING.

NO FIELD WORK WAS PERFORMED AT THIS TIME AND THIS DESCRIPTION DOES NOT MEET THE REQUIREMENTS OF K.S.A. 19-1434, WHICH REQUIRES A SURVEY TO BE FILED WHEN CREATING A NEW PARCEL OR DESCRIPTION FOR THE TRANSFER OF REAL PROPERTY. THE ABOVE DESCRIPTION IS BASED ON A SURVEY BY DAVID J. SCHAFFER, LS-1240 FILED AT THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE, FOUND IN BOOK 200707, AT PAGE 009088 AND CONTAINS 1,351.469 ACRES MORE OR LESS.

Existing Zoning



Aerial Photo

