

Ordinance No. 2549 Summary

On October 20, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2549, 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 assign a City zoning designation of “P-D” – Planned Development District to a two-acre tract of land (currently not zoned) along the east and south side of Lexington Avenue, to the north of the Penner Avenue intersection. 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. 2549

AN ORDINANCE ASSIGNING A ZONING DESIGNATION OF “P-D” PLANNED DEVELOPMENT DISTRICT TO PROPERTY WITHIN DE SOTO, KANSAS [TWO ACRES LOCATED ALONG THE EAST AND SOUTH SIDE OF LEXINGTON AVENUE, TO THE NORTH OF THE PENNER AVENUE INTERSECTON]

WHEREAS, the contract purchasers [with agreement of the City, current owner of the property] of two acres of property [legally described and diagrammed in the attached **Exhibit A** and located along the east and south side of Lexington Avenue, to the north of the Penner Avenue Intersection] have requested that the property be assigned a City zoning designation of “P-D” Planned Development 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 zoning.

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 zoning 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 zoning 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. Length of time property has remained vacant.
- E. The extent to which there is a need in the community for the uses allowed in the proposed zoning.
- F. 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.
- G. 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.
- H. 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.
- I. The economic impact on the community from the uses allowed in the proposed zoning.
- J. The extent to which the zoning amendment may detrimentally affect nearby property.
- K. The relative gain (if any) to the public health, safety, and welfare from a denial of the zoning application as compared to the hardship imposed upon the zoning applicant from such denial.
- L. 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.
- M. 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 in **Exhibit A** be assigned a zoning designation of “P-D” Planned Development 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 9th day of October 2022.



Rick Walker, Mayor

Brandon Mills, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

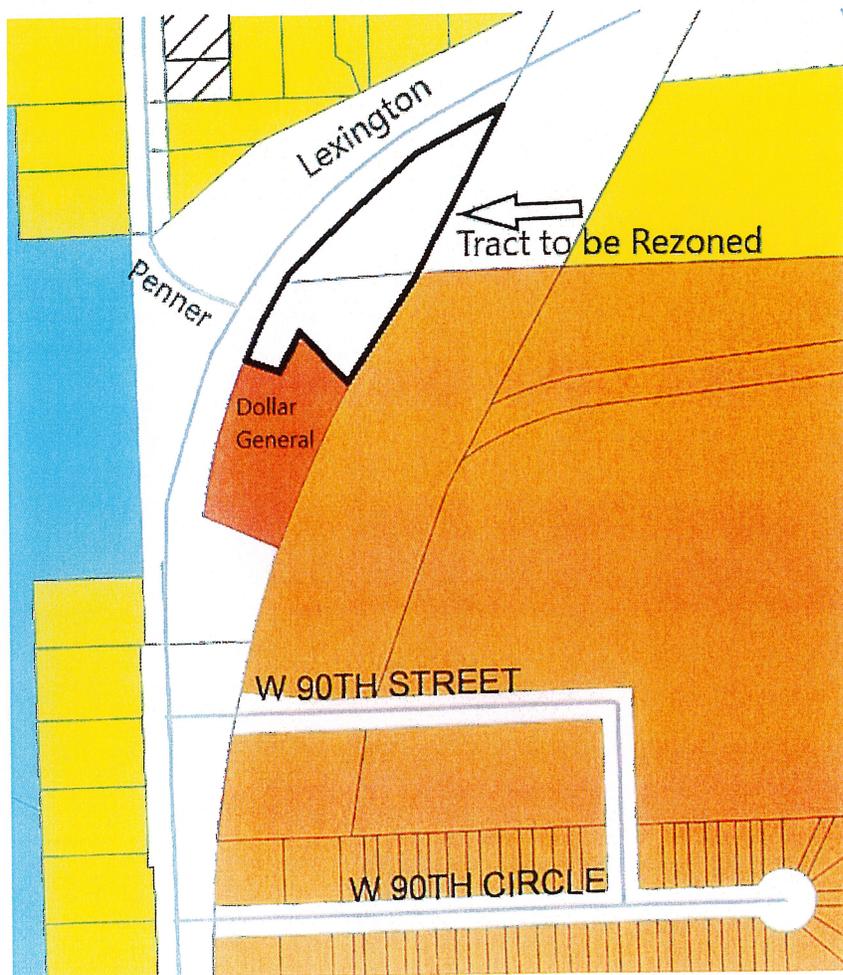
EXHIBIT A

SURVEYOR'S RECOMMENDED DESCRIPTION:

A TRACT OF LAND, LOCATED IN THE NORTHWEST QUARTER, OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 22 EAST, LOCATED IN THE CITY OF DE SOTO, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, DOLLAR GENERAL ADDITION, A SUBDIVISION OF LAND RECORDED IN BOOK 201111 PAGE 004270; THENCE ALONG THE NORTH LINE OF SAID LOT 1 THE FOLLOWING FOUR (4) COURSES; THENCE NORTH $40^{\circ}10'49''$ WEST, 129.17 FEET; THENCE NORTH $57^{\circ}44'50''$ WEST, 10.66 FEET; THENCE SOUTH $24^{\circ}06'07''$ WEST, 86.62 FEET; THENCE $65^{\circ}53'53''$ WEST, 73.92 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF LEXINGTON AVENUE AS NOW ESTABLISHED; THENCE NORTH $24^{\circ}06'07''$ EAST, 86.62 FEET; THENCE ON A CURVE TO THE RIGHT, WITH AN INITIAL TANGENT BEARING NORTH $26^{\circ}59'41''$ EAST, HAVING A RADIUS OF 743.82 FEET, AND AN ARC LENGTH OF 140.72 FEET; THENCE ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 906.20 FEET, AND AN ARC LENGTH OF 361.52 FEET; THENCE NORTH $63^{\circ}14'13''$ EAST, 88.24 FEET, TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID LEXINGTON AVENUE AND THE WEST RIGHT-OF-WAY LINE OF UNITED STATES RAIL ROAD, AS NOW ESTABLISHED; THENCE SOUTH $28^{\circ}13'57''$ WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 584.52 FEET, TO THE POINT OF BEGINNING. CONTAINS 83,142 SQUARE FEET OR 1.91 ACRES MORE OR LESS

IV. Existing Zoning Map



Legend

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|------------------------------|--------------------------|-------------------------|
| Property Lines | M1: Light Ind. | R3: Multi Family |
| RA: Residential Ag. | O1: Office Institutional | R2A: Res. High Density |
| UCD: Uptown Overlay District | G2: Business General | R2: Res. Medium Density |
| PD: Planned Development | C1: Business Central | R1: Res. Low Density |
| M2: Heavy Ind. | RH: Res. Historic | R0: Res. Suburban |

