

## AGENDA ITEM 4h

### Ordinance No. 2579 Summary

On May 18, 2023, the City of De Soto, Kansas, adopted Ordinance No. 2579, providing for the amendment of the official zoning map for the City of De Soto to change the zoning of the southern 54 acres of a 76-acre tract of land along 95<sup>th</sup> Street, between Sunflower Road and Lexington Avenue, from “M-2” Industrial – Heavy District to “R-3” Multifamily Dwelling 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 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://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. 2579

#### **AN ORDINANCE REZONING THE SOUTHERN 54 ACRES OF A 76-ACRE TRACT OF LAND ALONG 95<sup>TH</sup> STREET, BETWEEN SUNFLOWER ROAD AND LEXINGTON AVENUE FROM “M-2” INDUSTRIAL – HEAVY DISTRICT TO “R-3” MULTIFAMILY DWELLING DISTRICT**

WHEREAS, the owner [or authorized agent] of the southern 54 acres of a 76-acre tract of land along 95<sup>th</sup> Street, between Sunflower Road and Lexington Avenue, legally described in the attached **Exhibit A**, made application to rezone the property from “M-2” Industrial – Heavy District to “R-3” Multifamily Dwelling 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.

## AGENDA ITEM 4h

- 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 adopts the recommendation by the Planning Commission to approve rezoning the property described in the attached **Exhibit A** from “M-2” Industrial – Heavy District to “R-3” Multifamily Dwelling 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.

**AGENDA ITEM 4h**

**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 18<sup>th</sup> day of May 2023.

(Seal)

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Rick Walker, Mayor

ATTEST:

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Brandon Mills, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney

## AGENDA ITEM 4h

### EXHIBIT A

#### DESCRIPTION:

That part of the Northwest Quarter of Section 5, Township 13, Range 22, in the city of Desoto, Johnson County, Kansas, described as follows:

Commencing from the Northwest corner of said Northwest Quarter, along the North section line,

North 88 degrees, 25 minutes, 40 seconds East, a distance of 1289.09 feet; thence departing said

North section line, South 02 degrees, 47 minutes, 54 seconds East, a distance of 686.75 feet to the

Point of Beginning of Tract 2; thence continuing along the previous bearing of South 02 degrees,

47 minutes, 54 seconds East, a distance 1727.00 feet; thence North 87 degrees, 45 minutes, 18

seconds East, a distance of 765.32 feet; thence South 47 degrees, 17 minutes, 13 seconds East, a

distance of 615.87 feet to a point on the West Right-of-way line of Lexington Avenue; thence along

the West Right-of-way of said Lexington Avenue, North 06 degrees, 03 minutes, 10 seconds East, a

distance of 341.62 feet; thence South 83 degrees, 56 minutes, 50 seconds East, a distance of 60.00

feet; thence North 06 degrees, 03 minutes, 10 seconds East, a distance of 152.68 feet; thence Northeasterly on a curve to the right, curve having an initial tangent bearing of North 06 degrees,

03 minutes, 10 seconds East, a radius of 995.40 feet, and an arc length of 109.62 feet to a point on

the East line of said Northwest Quarter Section; thence departing the West Right-of-way line of said

Lexington Avenue, and continuing along said East line, North 02 degrees, 43 minutes, 33 seconds

West, a distance of 1594.10 feet; thence departing said East line, South 87 degrees, 19 minutes, 06

seconds West, a distance of 325.03 feet; thence South 49 degrees, 32 minutes, 34 seconds West, a

distance of 167.77 feet; thence North 86 degrees, 45 minutes, 26 seconds West, a distance of 904.19 feet to the Point of Beginning.