

AGENDA ITEM 4.b.

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2461 Summary

On March 21, 2019, the City of De Soto, Kansas, adopted Ordinance No. 2461, providing for the amendment of the official zoning map for the City of De Soto to change the zoning of property located at 31765 Valley Spring Drive from City of De Soto zoning designation “C-2” Business – General District to “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 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. 2461

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

WHEREAS, the owner [or authorized agent] of the property, legally described herein below, made application to rezone the property at 31765 Valley Spring Drive from City of De Soto zoning designation “C-2” Business – General District to “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.

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- 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 the rezoning of the property at 31765 Valley Spring Drive [legally described in the attached **Exhibit A**] from City of De Soto zoning designation “C-2” Business – General District to “R-2” Residential – Medium Density:

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.

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PASSED by the Governing Body of the City of De Soto, and approved by the Mayor on the 21st day of March, 2019.

(Seal)

Rick Walker, Mayor

ATTEST:

Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

EXHIBIT A

A tract of land in the Southeast Quarter of Section 27, Township 12 South, Range 22 East in the City of De Soto, Johnson County, KS described as follows:

Commencing at the Northwest corner of the Southeast Quarter of Section 27; thence North 87 degrees, 59 minutes, 19 seconds East, along the North line of the Southeast Quarter, 297.68 feet; thence South 02 degrees, 00 minutes, 41 seconds East, leaving the North line, 36.90 feet to a point on the existing South Right-Of-Way of 83rd Street and the POINT OF BEGINNING; thence North 87 degrees, 46 minutes, 45 seconds East, along the South Right-Of-Way, 551.36 feet to the Northwest corner of the recorded plat Valley Spring Homes Subdivision, recorded in Book 132 at Page 48; thence South 01 degree, 28 minutes, 52 seconds East, along the West line, 213.66 feet to the centerline of West 83rd Circle, as described in Book 9088 at Page 484; thence North 66 degrees, 11 minutes, 16 seconds West, along the centerline, 75.29 feet to a Point of Curvature; thence on a curve to the left having a radius of 200.00 feet, and an arc length of 212.46 feet to a Point of Tangency; thence South 52 degrees, 56 minutes, 49 seconds West, continuing along the centerline and its extension, 50.64 feet to the Westerly Right-Of-Way of Valley Spring Drive as described in Book 9088 at Page 484; thence on a curve to the right, along the Westerly Right-Of-Way, having an Initial Tangent Bearing of South 37 degrees, 03 minutes, 09 seconds East, a radius of 220.00 feet, and an arc length of 5.93 feet to the Northeast corner of Lot 1 of Arbor Ridge Townhomes, a subdivision recorded in Book 201805 at Page 246; thence South 87 degrees, 46 minutes, 58 seconds West, along the North line of Lot 1 thru 4, Arbor Ridge Townhomes, 289.65 feet, to the Northwest corner of Lot 4; thence North 11 degrees, 13 minutes, 16 seconds, leaving the North line, 101.37 feet; thence North 23 degrees, 47 minutes, 36 seconds East, 57.22 feet; thence North 02 degrees, 00 minutes, 41 seconds West, 79.94 feet to the POINT OF BEGINNING, containing 115.595 square feet, or 2.65 acres, more or less.