

ORDINANCE NO. 900 SUMMARY

On October 10, 2018, the City of Wellsville, Kansas adopted Ordinance No. 900 approving a rezoning request for a 27-acre parcel at the southeast quadrant of K-33 and Stafford Road in the City of Wellsville, Kansas from A-2 (Franklin County Transitional Agricultural District) to C-2 (City of Wellsville General Commercial). A complete copy of this ordinance is available at www.cityofwellsvilleks.org or at City Hall, 411 Main St., Wellsville, KS 66092. This summary is certified by Patrick G. Reavey, City Attorney.

ORDINANCE NO. 900

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REZONE PROPERTY FROM A-2 (FRANKLIN COUNTY TRANSITIONAL AGRICULTURAL DISTRICT) TO C-2 (WELLSVILLE GENERAL COMMERCIAL)

WHEREAS, the owner of the property legally described below has made application to rezone a 27-acre parcel at the southeast quadrant of K-33 and Stafford Road in the City of Wellsville, Kansas from A-2 (Franklin County Transitional Agricultural District) to C-2 (City of Wellsville General Commercial); 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 such request for rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS:

Section 1. That the Governing Body, in making its decision on the rezoning request, considered City Staff's comments and recommendations. The Governing Body also based its decision on the following criteria:

- A. Would the change in district classification be consistent with the purposes of these regulations and the intent of the proposed district?
- B. What is the character and condition of the surrounding neighborhood?
- C. What are the uses of property nearby and their district classification?
- D. Is the proposed amendment requested because of changed or changing conditions in the area affected and, if so, what is the change?
- E. Is the subject property suitable for the uses to which it is restricted by the current district classification?
- F. Is the subject property suitable for the uses that are permitted by the proposed district reclassification?

- G. Would the uses permitted by the proposed district reclassification and the accompanying restrictions have a detrimental affect on nearby property?
- H. Would the proposed amendment correct an error in the application of these regulations as applied to the subject property?
- I. Should the length of time the subject property has remained vacant be a factor in the consideration for reclassification?
- J. Do adequate utilities and streets exist or will they be provided to serve the uses that would be permitted by the proposed district reclassification?
- K. Is the general amount of vacant land that currently has the same district classification as is proposed for the subject property, particularly in the vicinity of the subject property, available or not available for development?
- L. In the event the subject property as reclassified would be available for business or industrial uses, are such uses, particularly in the vicinity of the subject project, needed?

Section 2. That the request to rezone the property described below from Franklin County A-2 (Franklin County Transitional Agricultural District) to C-2 (City of Wellsville General Commercial) Zoning District is hereby granted:

Property Legal Description:

BEGINNING AT THE N .W. CORNER OF THE N .W. FR.1/4 OF SEC. 34, TWP. 15 S., RNG. 21 E., THENCE NORTH 89 DEGREES 59 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 700 FEET, BY DEED, 698.82 FEET, MEASURED, ALONG THE NORTH LINE OF SAID QUARTER SECTION, THENCE SOUTH 00 DEGREES 00 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 396 FEET, BY DEED, 396.18 FEET MEASURED, THENCE SOUTH 89 DEGREES 59 RNINUTES 15 SECONDS EAST FOR A DISTANCE OF 330 FEET, BY DEED, 329.92 FEET MEASURED, THENCE NORTH 00 DEGREES 02 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 396 FEET, BY DEED, 396.26 FEET MEASURED, TO A POINT ON THE NORTH LINE OF SAID QUARTER SECTION, THENCE NORTH 89 DEGREES 59 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 270.95 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES 05 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 1110.14 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HIGHWAY I-35, THENCE SOUTH 88 DEGREES 56 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 1225.12 FEET ALONG SAID RIGHT OF WAY LINE, THENCE NORTH 00 DEGREES 05 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 280.79 FEET ALONG SAID RIGHT OF WAY LINE, THENCE NORTH 89 DEGREES 54 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION, THENCE NORTH 00 DEGREES 05 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 851.86 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, IN FRANKLIN COUNTY, KANSAS.

Section 3. 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 Wellsville, Kansas, and approved by the Mayor on the 10th day of October 2018.

(Seal)

Bill Lytle, Mayor

ATTEST:

Tammy Jones, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney