

ORDINANCE NO. 912 SUMMARY

On August 12, 2020, the City of Wellsville, Kansas adopted Ordinance No. 912 approving a rezoning request for property located South of City Sanitary Sewer Plant and West of Main St. (Exhibit A) in the City of Wellsville, Kansas from "R-1" (Single Family Residential District) to "C-2" (General Business District. 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.-912

AN ORDINANCE APPROVING THE REZONING OF CERTAIN LANDS LOCATED AT 20230 WEBSTER ST. FROM "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT) TO "C-2" (GENERAL BUSINESS DISTRICT) WITHIN THE CITY OF WELLSVILLE, FRANKLIN COUNTY, KANSAS.

WHEREAS, proper application (Z-01-2020) for a change in the zoning of land hereinafter described has been made; and

WHEREAS, the Planning Commission of the City of Wellsville, Kansas, did on the 17th day of June, 2020, conduct a public hearing, after proper publication of notice, see EXHIBT "A" and proper service upon property owners adjacent to applicant's property; and

WHEREAS, the said Planning Commission on the 17th day of June, 2020, closed the public hearing and recommended approval of the rezoning, by an affirmative vote of a majority of the entire membership of the Planning Commission, to the Governing Body; and

WHEREAS, within fourteen (14) days after the conclusion of the date of the public hearing before the Planning Commission, no valid protest petition was filed with the office of the City Clerk; and

WHEREAS, on the 12th day of August, 2020 the Governing Body considered the findings, conditions and recommendations of the Planning Commission and the professional planning staff at the City Council meeting.

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

SECTION ONE. 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 effect 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 TWO: The zoning of the following described tract of land located in Franklin County, Kansas:

LEGAL DESCRIPTION:

Lot 3 except South 100 feet east 429.5 feet and Lot 5 Block 4 and Vacated East 2 feet North 2 feet of Stafford Road in the City of Wellsville, FRANKLIN COUNTY, KANSAS. Known as 904 Main Street. 030-018-28-0-40-09-008.02-0 QuickrefID = R972 Franklin GIS.

5.35 Acres, MORE OR LESS, OF UNPLATTED LAND.

is hereby changed from "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "C-2" GENERAL BUSINESS DISTRICT.

SECTION THREE: The zoning administrator is hereby authorized and directed to amend the Official Zoning District map of the City of Wellsville, Kansas, in accordance with the foregoing changes in zoning.

SECTION FOUR: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED BY THE CITY COUNCIL this 12th day of August, 2020.

APPROVED BY THE MAYOR this 12th day of August, 2020.

William Lytle, Mayor

ATTEST:

Tammy Jones,
City Clerk

APPROVED AS TO FORM:

Patrick Reavey,
City Attorney

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION : 216309

STATE OF KANSAS, FRANKLIN COUNTY, SS:

Dawn Schnepf

of lawful age, being first duly sworn, deposeth and saith, he/she is Legal Representative of the

Ottawa Herald

a daily newspaper published in the City of Ottawa, Franklin County, Kansas, and of general circulation in Franklin County, Kansas, and is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as second class matter in said County, and which newspaper has been continuously and uninterruptedly published in said County during the period of five full years immediately prior to the first publication of the notice hereinafter mentioned, and that a notice, of which is hereto attached, was published in the regular and entire Tuesday issue of said Ottawa Herald for 1 day, first publication being made the 26th day of May, 2020 A.D., with final publication on the 26th day of May, 2020 A.D.

Affiant further says that he/she has personal knowledge of the statements above set forth, and that they are true.

Dawn R. Schnepf

Subscribed and sworn to before me this 27th day of May, A.D., 2020

Wendy Chirobak
Notary Public.

Printer's Fees, \$80.00



(Published in the *Ottawa Herald*, May 26, 2020)

PUBLIC HEARING NOTICE
Rezoning Request
WELLSVILLE PLANNING COMMISSION
R-1 Single (Family Residential Districts) to
C-2 (General Commercial Districts)

The Wellsville Planning Commission will hold a public hearing regarding the rezoning of a 5.37-acre +/- parcel at the southwest quadrant of Main and Pendleton Street in the City of Wellsville, Kansas (more particularly described below and known as 904 Main Street) from R-1 (Single Family Residential Districts) to C-2 (General Commercial Districts). The public hearing is scheduled for Wednesday, June 17, 2020 at 6:00 p.m. at the Wellsville City Hall, 411 Main St., Wellsville, KS.

Property Legal Description:
Lot 3 (except South 100 feet east 429.5 feet and Lot 5 Block 4 and Vacated East 2 feet North 2 feet of Stafford Road in the City of Wellsville, FRANKLIN COUNTY, KANSAS, known as 904 Main Street, 030-018-28-0-40-09-008.02-0 Quick-Record - R072 Franklin GE.

Under the authority vested in it, the Wellsville Planning Commission in accordance with the provisions of K.S.A. 12-757 et. Seq., do hereby give notice to all residents and property owners.

Anyone needing information about the rezoning should contact Wellsville City Hall located at 411 Main Street or by calling 785-883-2296.

Chairman: Jeanine Bernier
Wellsville Planning Commission 216309