

**ORDINANCE NO. 915      SUMMARY**

On September 9, 2020, the City of Wellsville, Kansas adopted Ordinance No. 915 approving a rezoning request for property at 403 S. Elm Street in the City of Wellsville, Kansas from "R-1" (Single Family Residential District) to "R-3" (Multi-Family Residential District. A complete copy of this ordinance is available at [www.cityofwellsvilleks.org](http://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.-915**

**AN ORDINANCE APPROVING THE REZONING OF CERTAIN LANDS LOCATED AT 403 SOUTH ELM STREET FROM "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT) TO "R-3" (MULTI-FAMILY RESIDENTIAL 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 17<sup>th</sup> 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 17<sup>th</sup> 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 12<sup>th</sup> 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:**

WELLSVILLE ORIGINAL TOWN, S28, T15, R21E, TR BEG NW/C LT 28 BLK 14 E114.9 S97 W115 N97 TO POB in the City of Wellsville, FRANKLIN COUNTY, KANSAS. Known as 403 S. Elm Street. **030-018-28-0-10-21-002.00-0 Quickref ID = R492 Franklin GIS.**  
 .26 Acres, MORE OR LESS, OF PLATTED LAND.

is hereby changed from "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

TO "R-3" MULTI-FAMILY RESIDENTIAL 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 9<sup>th</sup> day of September, 2020.

**APPROVED BY THE MAYOR** this 9<sup>th</sup> day of September, 2020.

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William Lytle, Mayor

**ATTEST:**

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Tammy Jones,  
City Clerk

**APPROVED AS TO FORM:**

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Patrick Reavey,  
City Attorney

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION : 216626

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 28th day of July, 2020 A.D., with final publication on the 28th day of July, 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 30<sup>th</sup> day of July, A.D., 2020

*Wendy Chrobak*  
Notary Public.



Printer's Fees, \$85.00

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**Public Hearing Notice**  
**Rezoning Request**  
**WELLSVILLE PLANNING COMMISSION**  
R-1 Single (Family Residential Districts) to P-D, R-3 (Planned Districts, Multiple-Family Residential)

**NOTICE TO CREDITORS**

The Wellsville Planning Commission will hold a public hearing regarding the rezoning of a 0.26-acre +/- parcel at the southeast quadrant of 4th Street and South Elm Street in the City of Wellsville, Kansas (more particularly described below and known as 403 South Elm Street) from R-1 (Single Family Residential Districts) to P-D, R-3 (Planned Districts, Multiple-Family Residential). The public hearing is scheduled for Wednesday, August 19, 2020 at 6:00 p.m. at the Wellsville City Hall, 411 Main St., Wellsville, KS.

Property Legal Description:

WELLSVILLE ORIGINAL TOWN, S28, T15, R21E, TR BEG NW/4 LT 28 BLK 14 E114.9 S97 W115 N97 TO POB in the City of Wellsville, FRANKLIN COUNTY, KANSAS. Known as 403 Elm Street. The Parcel Number for this Property is 030-018-28-0-10-21-002.00-0 Quick Ref ID: R492 Franklin GIS.

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 785-853-2296.

Chairman Jeanine Berrier  
Wellsville Planning Commission 216626