



CITY OF TOPEKA

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To: Senate Local Government Committee
From: Dan Warner, Planning Division Director on behalf of the City of Topeka
Date: February 6, 2024
Re: Opposition Testimony to SB 346

Thank you Chairwoman McGinn for allowing the City of Topeka to testify today in opposition to SB 346.

This will make it so a City – either the planning commission or governing body – cannot initiate rezoning of a property (not owned by the City) if the rezoning has the effect of either upzoning or downzoning which means a change to regulations within an existing zone or district that generally allows for more or less development capacity.

A city that does not want to die, has to evolve. It does that by constantly looking at its regulations, listening to its citizens, and planning for the future. Local elected officials, planning commissions, and their stakeholders play a crucial role in facilitating land use and development to ensure efficient use of resources, protection of property values, and improved quality of life. Part of the role of a planning commission and its staff is to recommend upzoning or downzoning to improve the functionality and livability of the city or county.

This change will mean that the City cannot initiate a rezoning to implement an adopted plan. In 2021, the City's Downtown Master Plan was updated to provide a market-based approach for the development/redevelopment of downtown, including appropriate zoning to implement the Plan. Under SB 346, the City of Topeka would not have been able to initiate its D Districts' rezonings as we did to implement the updated Downtown Master Plan. The D Districts facilitated a compatible mixed use downtown and generally expanded the land uses available to property owners.

SB 346 would also have prohibited the many rezonings (to the X districts and to R-1 and R-2 districts) the City initiated over the past two decades to implement adopted neighborhood plans. In all cases where the City has initiated the rezoning, the City went to great lengths to notify affected property owners and receive community input. Additionally, the affected property owners are provided the option to file a protest petition per Kansas statutes.

Zoning needs are specific to each community. There are potentially other areas within Topeka that could benefit from a City initiated plan and rezoning to promote development or redevelopment, whether by removing restrictions (upzoning) or by increasing restrictions (downzoning). There are also possibilities in the future that where if the City were to annex land it might best for the owner and City for the City to have the ability to initiate the rezoning. Allowing the City to initiate rezoning in some cases removes that burden from individual property owners.

We would ask that you leave this very local decision in the hands of the people elected to make it. Our citizens have remedies in the protest petition. We would ask that you not stagnate our city seeking to solve an issue in another community and do not recommend this legislation for passage.