



# CITY OF TOPEKA

## CITY COUNCIL COMMITTEE MEETING MINUTES

### POLICY AND FINANCE COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
Topeka, KS 66603-3914  
Tel: 785-368-3710  
www.topeka.org

Date: July 8, 2025  
Time: 10:00am  
Location: 1<sup>st</sup> Floor Conference Room, Cyrus K. Holliday Bldg. 620 SE Madison (*a virtual attendance option is available*)

**Committee members Present:** Spencer Duncan (chair), Marcus Miller, Michelle Hoferer

**City Staff Present:** City Manager Dr. Robert M. Perez, Deputy City Manager Braxton Copley, Assistant City Manager Avery Moore, City Attorney Amanda Stanley, Planning & Development Director Rhiannon Friedman, Planning Division Director Dan Warner, Division Director Development Services Richard Faulkner.

#### 1) Call to Order

Committee Chair Duncan called the meeting to order at 10:00am.

#### 2) Approve June 10, 2025 Meeting Minutes

Committee member Hoferer made a motion to approve the minutes from the previous meeting June 10, 2025. Committee member Miller seconded. Motion approved 3-0-0.

#### 3) Presentation:

##### A. Duplexes in Single Family Residential Districts Update

Housing Committee and Topeka Planning Commissioner Jim Kaup spoke to zoning regulations to ease the City of Topeka housing crisis. He added the intent is to reduce governmental over-regulation by restoring some of the private property development rights. He continued to provide a high-level background about the Housing Committee and stated that the Committee believes it can advance public health, safety and welfare.

Planning Division Director Dan Warner continued to speak to Duplexes in Single Family Residential Districts. He added duplexes building permit is subject to special standards needing an administrative review. Also, triplexes, quadplexes by Conditional Use Permit (CUP); which is similar process to rezoning requiring

notification, a public hearing, and Governing Body approval. He continued to speak to the 2020 Citywide Housing Market Study and Strategy. The key findings from the study, primarily showed the need for affordable housing and the “missing middle”, defined as duplexes up to small apartment buildings. He added in recent years there has been an increase for multifamily projects and also stated there is a need to continue to expand production and promote development for the diverse mix of housing types. Currently, 87% of Topeka’s housing is Single Family zoning. He continued to speak to stakeholder engagements including: Presentations to Neighborhoods and Citizens Advisory Council, survey of neighborhood residents, conducted discussions with housing developers and the Planning Commission. The findings for the neighborhood meetings were favorable from the Historic North Topeka east and Hi-Crest while the College Hill neighborhood had concerns specifically against conversions of homes for multifamily use. The Planning Commission comments showed many against the proposal.

#### Draft Standards:

- Two-family dwelling allowed by building permit subject to specific standards
- The front 100 feet of the lot must have a width of 37 feet or more
- Driveways must be from alley for sits when alley access is available and when there is no existing access from street
- Driveway width restricted to no more that 50% of the width of the lot for the front 25 feet of the lot.
- Landscape required in front setback and must include one or more trees
- Architectural Design requirements
- Duplexes not meeting al standards may be approved by conditional use permit

Committee member Miller expressed his support to have more housing in the City but is concerned about areas in historical districts when it comes to the parking capacity.

Committee member Hoferer asked if there is a specific proposal and gave emphasis on the importance of how it will affect the neighborhoods. Planning Division Director Dan Warner responded the Planning Commission has received a draft of the proposal in June 2025.

Committee chair Spencer Duncan questioned the meaning of ‘must provide a visual interest’ and tree requirements. He also expressed his concern if the rules would apply Citywide. Dan Warner responded that the purpose is to have visually interesting walls of which they are not flat, such as peaks on the front of the house. Topeka Planning Commissioner Jim Kaup added real estate aesthetics were reviewed from across the country to add residential value. He continued to speak to the concerns the Housing Committee is having when it comes to conversions with existing neighborhoods.

Committee chair Spencer Duncan expressed his support to have carve-outs in historic districts. Jim Kaup responded the Committee is receptive to having carve-outs in neighborhoods to keep the historic character.

Committee chair Spencer Duncan inquired about not having conversions go through the Conditional Use permit process. Jim Kaup responded that it is similar to the rezoning process. He continued to speak to feedback from Developers and the length of the Conditional Use process could talk up to a half a year.

Committee chair Spencer Duncan continued to speak to his support to have a better policy for multifamily dwelling within single family neighborhoods and retain using the Conditional Use Process. He continued to speak to his concerns about the conversion details.

Planning & Development Director Rhiannon Friedman thanked the Policy and Finance Committee for the feedback and expressed her appreciation to being able to address the Committees concerns before taking the proposal to the Governing Body in October 2025.

Committee chair Duncan and Committee member Hoferer spoke to the importance to having public comment allowed with the Housing Committee and Planning Commission.

Committee member Miller concurred with the concerns and expressed the importance for public feedback.

Committee chair Duncan thanked the Housing Committee and Planning Commission for all their work. He announced he would like to have the proposal come to the Policy and Finance Committee before it goes to Governing Body.

#### **4) Action Items:**

##### **A. Resolution - 2024 Uniform Mechanical Code (UMC)**

Division Director of Development Services Richard Faulkner spoke to the 2024 Uniform Mechanical Code. He continued to speak to the most current code and how it will address changes in the industry, improve safety and quality for the community. He added the Board of Mechanical examiners Appeals is recommending the code be adopted with amendments so the code will be more suited. Lastly, the staff agrees with the recommendation the board is making to adopt the 2024 Uniform Mechanical code.

Committee member Hoferer inquired if there were questions from the Board that was not liked. Faulkner responded there was discussion of a \$15.00 safety valve.

**MOTION:** Committee chair Hoferer made a motion to approve and move forward to the Governing Body for action. Committee member Miller seconded. Motion approved 3-0-0.

## **B. Resolution – Reinvestment Housing Incentive District (RHID) Policy**

Deputy City Manager Braxton Copley spoke to the proposal to amend the City of Topeka's policy for Reinvestment Housing Incentive District (RHID) policy and to add Capitalization Rate Criteria and rescinding Resolution No. 9627. He added the "but-for" test is utilized to determine the calculation for the rate of return. He continued to speak to the appropriate capitalization rate for multifamily housing including factors as; length of time until development, providing low-income housing, and locating an intensive care neighborhood. Lastly, he spoke to the proposed policy to add language and allow the RHID Review Team to recommend the higher capitalization rate if there are certain factors such as (1) Downtown redevelopment (2) Workforce housing (3) Affordable housing (4) Historically undeveloped areas (5) Blighted areas (6) Restrictive covenants.

Committee chair Spencer Duncan recapped the proposed changes and expressed his support for the change in policy for the capitalization rate criteria.

Committee member Michelle Hoferer inquired if there were any other language changes. Planning & Development Director Rhiannon Friedman responded according to the 2020 Citywide Housing Market Study and Strategy ("Housing Study") it was identified there was a need to update the number of units to meet the anticipated housing demand in the market.

MOTION: Committee chair Duncan made a motion to approve and move forward to the Governing Body for action. Committee member Hoferer seconded. Motion approved 3-0-0.

## **5) Discussion:**

### **A. Rooster Ownership – Consideration of Limits**

City Attorney Amanda Stanley spoke to the current code within the City limits of Topeka. She referenced other city ordinances regarding chickens and roosters.

Current Topeka Code addressing the presence of roosters and the noise: (1) TMC 6.30.010 states that it is unlawful for any person to keep domestic poultry or chickens upon any private residence within 50 feet of any dwelling other than that of the owner. (2) TMC 9.45.330 states that it is unlawful to keep or harbor any animal which causes frequent or long continued noise that disturbs the comfort or repose of any person in the vicinity.

Committee chair Spencer Duncan stated the noise issue coming from roosters is the complaint. He continued to speak to the size restrictions to allow roosters within a residence. City Attorney Stanley referenced when comparing other cities there was a 3-acre distance.

Committee member Michelle Hoferer spoke to free-range chickens and having a number of limitations to the amount of chickens. City Attorney Stanley responded it could be legally supported to have restrictions on allowing free range chickens. Stanley also added there is not currently a limitation to the amount of chickens.

Committee chair Duncan spoke to the discussion from the presentation and suggested to have the City legal department prepare a proposal for a policy change. He added the importance to have conversation from Property Maintenance Unit and Animal Control to see current issues and trends.

Resident of the City of Topeka David Peterson played a phone recording of rooster and chicken sounds beginning at 5:30 a.m.; he continued to express his frustration of the sounds and the closeness of them in the City limits. He believes the current ordinances are inadequate and burdensome for the residents of the City.

## **B. Citizen Government Review Committee Recommendations**

Committee chair Spencer Duncan spoke to the Governing Body meeting June 17, 2025 Citizen's Government Review Recommendations Report. A vote was taken by the Governing Body to have the Policy and Finance Committee further review recommendations. There was a consensus by the Committee to review the recommendations made by the Citizen's Government Review Committee. Duncan believes the recommendations are configured around three categories (1) Ordinance change (2) Policy changes (3) Budget decisions. He requested the Legal Department draft proposals.

Citizens Government Review Committee member Jim Kaup spoke to the expectations that the Governing Body would follow through with recommendations.

Committee chair Duncan confirmed the Citizens Government Review Committee members will be invited to the Policy and Finance Committee meeting for discussions.

## **C. Anti-Discrimination Policies**

Committee chair Spencer Duncan spoke to the Governing Body meeting June 17, 2025 approval of Ordinance No. 20568 with the intent for the Policy and Finance Committee to review language amendments. He stated there will be more discussions and community feedback received before the next Policy and Finance Committee and then there will be recommendations.

City Attorney Amanda Stanley spoke to details of the proposed ordinance in regards to the Program Review Committee. She expressed the importance to give the Legal Department guidance for language clarity.

### **6) Other Items: none**

### **7) Public Comment:**

Allen Klassen spoke to Duplexes in Single Family Residential Districts. He expressed his opposition to the proposed zoning changes to any neighborhood. He continued to speak to the importance of proper zoning in neighborhoods to protect the property values, ensures compatibility, and promotes safety. He also stated there are concerns about the Planning Commission process and questioned the survey that was completed.

Jerry Palmer resident of the Potwin Historical District spoke to the Duplexes in Single Family Residential Districts. He believes the historic and conservation districts should not be included in a proposal. He also suggested single family residences that are converted to a duplex must apply for a Conditional Use Permit. He continued to show opposition of the proposed conversion.

Linell Griffith spoke to Duplexes in Single Family Residential Districts. She added the importance of historic districts and expressed positivity to make Topeka more affordable by having a better tax environment.

Melissa Stiehler expressed her disappointment with the Policy and Finance Committee meeting concerning the Anti-Discrimination Policies. She recommends the Council move forward with expanding local civil rights protections by amending the non-discrimination ordinance as quickly as possible. She expressed appreciation to the council members that have stated the intention to bring back protection.

Committee member Miller requested to discuss Melissa Stiehler comments with staff and Policy & Finance Committee members.

Committee chair Duncan adjourned the meeting at 11:42 a.m.

The video of this meeting can be viewed at: <https://youtu.be/INV28DpE3xg>