



CITY OF TOPEKA

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MEMORANDUM

To: Topeka Planning Commission
From: Dan Warner, AICP, Director – Planning Division

Date: August 8, 2024 (August 19, 2024 Planning Commission Meeting)
RE: ACZR24/02 - Text Amendments Proposed by the Planning Commission Incentives Committee

The Planning Commission established the Incentives Committee on February 19, 2024 to identify possible text amendments to the Topeka Development Code that would (1) remove unnecessary restrictions on residential construction and (2) create incentives for residential construction, specifically affordable housing. The Incentives Committee is comprised of Planning Commissioners Jim Kaup (Committee Chairman), Del-Metrius Herron, William Naeger, and Katy Nelson. Work of the Incentives Committee will help to implement recommendations from the City's 2020 Citywide Housing Market Study and Strategy.

The Incentives Committee has met six times. The Committee held one of these meetings (July 17th) with a group of housing advocates and developers active in Topeka to solicit their feedback on proposed text amendments. The Incentives Committee will be providing you with a report of their activity, recommended text amendments to the Development Code, and other recommendations.

Planning staff will present the attached draft text amendments for discussion on August 19th, with the expectation the Planning Commission will conduct a public hearing and take action at the September 16th Planning Commission meeting. The proposed text amendments are described below.

Reducing Required Minimum Lot Dimensions

Large minimum lot size and width standards can be an obstacle to housing development. Development cost is affected in large part by cost of land and infrastructure. Smaller lot widths reduce the length of streets, water, and sewer mains which translates to a reduction in infrastructure costs typically borne by the developer or home buyer. Allowing smaller lot size and dimensions could make it easier to plat new lots for homes, especially on infill land. Therefore, a reduction in minimum lot width from 60 feet to 50 feet in the R-1 district, and from 40 to 35 feet in the other

residential districts is proposed. A minimum width of 35 feet in the R-2 district is consistent with the development pattern of central Topeka neighborhoods zoned R-2. The proposed minimum lot area standards are a function of the proposed minimum lot width and minimum lot depth of 110 feet as required by Topeka's subdivision regulations (e.g. 50' width x 110' depth = 5,500 sf).

Reducing Required Minimum Building Setbacks

Overly restrictive minimum building setbacks can make the construction of new homes or home additions difficult, especially on smaller infill sites. An overly large front setback can increase the length of the driveway to a garage and increase the length of the service lines for water and sewer, resulting in higher costs. Staff researched the building setback standards from other cities in Kansas and Midwest, including Lawrence, Manhattan, and Wichita, and find that Topeka's setback requirements for the R-1 district are slightly larger than the setback requirements for the comparable zoning classification in those cities. Therefore, a reduction in the required front and rear setback from 30 feet to 25 feet, and the side setback from 7 feet to 5 feet is proposed for the R-1 district.

Increasing Maximum Density Standards

Over time staff have observed that the current density standards (dwelling units per acre) for the "M" zoning districts are overly restrictive. The current maximum density for the M-2 district is 15 dwelling units per acre, although there are multiple examples of existing apartment buildings that exceed 20 units per acre and these are of a modest size and compatible with surrounding low density residential land use. Substantial increases in maximum residential densities are proposed.

Density Bonus for Affordable Housing

The Incentives Committee recommends the addition of footnote #15 to the Density/Dimensional Standards for Residential Districts.

[15] Density increase of 40% for a minimum of 30% of units being "affordable" housing, applicable in "M-2" and "M-3" Zoning Districts. "Affordable" for this requirement means affordable to households with an income of 60% of Area Median Income.

Housing is considered "affordable" when the rent or mortgage on the home is no more than 30% of gross income.

Example: A project is proposed on a one-acre site zoned M-2. Under the proposed text amendments, the project is permitted to be built at a density of 25 units per acre (25 units for this project). If the developer commits to keeping the rent at a level that is affordable to households with an income of 60% of or less of AMI, the project can be built to a density of 35 units per acre (an additional 10 units).

In Shawnee County, a four-person household with an annual income of \$52,380 is at 60% of Area Median Income (AMI). 80% of AMI is at the highest income level served by the Low Income Housing Tax Credit (LIHTC) and other government programs to support affordable housing.

The Incentives Committee discussed methods to ensure housing built under the incentive bonus retains its affordability. Staff will continue to explore the most effective and efficient measures to enforce “affordability” under the density bonus provision.

Other Possible Text Amendments

The Topeka Zoning Regulations include requirements for off-street parking. Off-street parking is a substantial part of development cost. It is estimated that each off-street parking space (surface level parking) costs \$5,000 and may, on average, add \$142 to monthly rent.

Per the zoning code, for most multi-family residential development two (2) parking spaces are required for each dwelling. The Incentives Committee discussed a reduction in parking requirements, and Planning staff have observed Topeka’s parking requirements for multi-family residential use to be higher than other Kansas cities. Many other aspects of the parking regulations in chapter 18.240 of the zoning code are in need of review with substantial amendments likely. Staff has begun work on a comprehensive update to chapter 18.240 and intends to present that update at a future date.

Upon a recommendation by the Planning Commission, Topeka’s Governing Body recently adopted amendments to allow accessory dwellings in single family zoning districts R-1 and R-2. However, Topeka’s zoning regulations continue to prohibit duplexes, triplexes, and four-plexes in R-1 and R-2 districts. The Incentives Committee has asked staff to review the zoning code for a possible amendment to allow approval of duplexes, tri-plexes, and quad-plexes in single family residential districts by conditional use permit. A proposed amendment is expected to generate a lot of interest and concern from stakeholders. Staff has started research on the topic and will present a potential text amendment at a future date.

Attachments:

- Draft Text Amendments to 18.60.020, Density/Dimensional Standards for Residential Districts