

Tuesday, February 6, 2024

SB 346

Proponent Testimony Only

Tom Hamill

Senate District: 7

To. Members of Senate Committee on Local Government:

My name is Tom Hamill. I live at 47 Compton Court in Prairie Village; I have been a resident of Prairie Village since 1975 when my wife and I bought our first home. We love the Village; our first home was at 6735 Elmonte, and we bought two larger houses as our family grew, in Indian Fields and then Town and Country. We downsized to our current home when the children left. I am a retired attorney. I served as one of the Municipal Judges in Prairie Village for about 30 years, from 1077 to 2008. In addition, because my judicial position was part time, I have been able engage in private practice of the law for over fifty years, mostly in Prairie Village.

We first heard about the controversy with the Council planning to change the current zoning laws to allow for affordable housing about a year ago. It was explained that the proposed changes were to create affordable housing to facilitate the number of people seeking to live in the City, to make it a more urbane City. I was unaware of a need for more affordable housing. In all of my years on the bench we never had a case of a homeless person before the court, and we have not seen any evidence of any homeless person in PV at the present time. Someone said it would make us more urbane. That is not why we have chosen to make our home. Not now and not ever.

I believe PV has a population of approximately 25,000 give or take. It is surrounded on all sides by other towns and has no remaining developable land. I have since learned that PV has the densest population of any city in Kansas. We have more than enough traffic now, especially during rush hour, when all of the traffic from the surrounding cities flow thru PV on the way to or from work.

A few brief words about the petitions signed by the people of Prairie Village last year. I had learned enough about this issue, that my wife and I signed all three petitions. All three were accepted by the clerk's office as legally satisfactory, but because of the legal wrangling by the City, the clerk was not able to place them on the ballot for the last election. Nevertheless, the petitions remain on file, pending further legal skirmishes by the parties. That was a shame because of the number of citizens who had signed them. All three petitions received the approximately the same number of signatures. And number of persons signing was nearly the same number of residents who had voted in the last general election. In otherwards, the City's efforts to change the zoning regulations in the manner they were pursuing was very unpopular. By approving proposed Senate Bill No 346, the Senate would be taking action overwhelmingly desired by the people of PV; and you would also be saving a great deal of legal expense for both parties to this dispute.

I thank you for the time and attention to this matter.

Thomas A. Hamill, Esq.  
Prairie Village KS 66208  
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Tuesday, February 6, 2004

SB 346

Proponent testimony only

Pamela Justus

Senate District: 7

Chair McGinn, Vice Chair Bowers, Ranking Minority Member Francisco, and members of the committee,

I am writing this testimony in support of SB 346. Prairie Village is the second most-densely populated city in the state of Kansas. Our mayor and city council made large-reaching housing recommendations for Prairie Village - NONE WERE RECOMMENDED DUE TO OUR GREAT DENSITY. UCS, a not-for-profit organization (of which our mayor is on the board) has promoted the rezoning efforts. Previously, we have trusted our city officials to make decisions in the residents' best interest, however, this has not occurred and we have found it essential to get involved to save our city. Over 3700 residents signed petitions merely asking for a right to VOTE on this issue. Our council/mayor's response was to sue its own residents to prevent our right to vote on this critical issue. As a teacher, I purchased my home in Prairie Village for the single family homes on single family lots and wonderful sense of community.

I support SB 346. This will prevent cities from rezoning without landowners' consent and save our communities.

Pamela Justus

# **M. Lisa Manthey**

5220 West 73rd Street  
Prairie Village, Kansas 66208  
mlfle@aol.com  
816-509-0490

February 4, 2024

SB 346 Proponent Testimony ONLY

M. Lisa Manthey  
Senate District 7

Chair McGinn, Vice Chair Bowers, Ranking Minority Member Francisco and Members of the Committee:

I am writing this testimony in support of Senate Bill 346. I am a 32 year resident of Prairie Village. I have been a homeowner that entire time. I have raised my two boys in this city, and now have two grandchildren who spend a lot of time with me here. We have a lovely city. Beautiful parks, beautiful, well kept neighborhoods, and many, many friendly and caring citizens. It is safe to say that I love my city and I am concerned about what is happening now in our city at the hands of our Mayor and a previous City Council.

This started during Covid, when the current mayor was appointed to the Board of United Community Services. UCS made some recommendations for Johnson County Housing that did not include Prairie Village. Our city is 6.2 square miles. Already densely populated. The mayor created an AdHoc committee and they recommended these rezoning changes for implementation. Once the word got out, many citizens started attending council meetings, and attempting to communicate with their Ward representatives (that was challenging, as most of them did not respond) and getting the word out to as many citizens as possible. We formed a grassroots group, made up of concerned citizens from all across the board in Prairie Village. We drafted petitions, and over 3700 CITIZENS came to parks and public signings to sign them. We asked for the opportunity to vote on these measures that were being implemented, that could impact our property! And what did the City Council do? They paid the City Attorney (who is also the Mayor of a neighboring city....) a large sum of money,

and sued us, the citizens of Prairie Village, to keep us from voting. They actually took us to court, paying the attorney with our tax dollars, so we would not have the opportunity to vote on these issues! Our request was denied at the local level, however it is on appeal.

I am appalled at what has happened in this city at the hands of the Mayor and the City Council. We, as citizens of Prairie Village simply want to be heard. And presently, we are being denied that privilege.

I am in full support of SB 346 so that cities cannot rezone the properties of a landowner without the consent of the landowner.

Please feel free to reach out if you have any questions about my testimony. Thank you for taking the time to read this.

Respectfully,

M. Lisa Manthey



## Ben Kitchens Painting Co., Inc.

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February 4, 2024

Written Testimony in Support of SB346:

Thank you for taking the time to read my view on this important piece of legislation.

I believe this legislation is of paramount importance to help restrict cities from arbitrarily using the 3-mile zone for taxation purposes. Removing city zoning rules will eliminate city control over county landowners.

To most Kansans, their property is their number one asset. In Geary County, as in many counties across our fine state, generations of families have farmed, raised families and provided food for many. Rural means rural!

People choose to live in the county for many reasons, mainly for the rural living. County citizens don't wish to be regulated by the cities near them. County citizens don't want to pay higher taxes.

To continue to allow cities to lawfully impose their ordinances, licenses and restrictions on property owners in a 3-mile circle who cannot elect the city's leaders is not representative government. In the case of Junction City, my hometown for many years, 46 properties were annexed 17 years ago upon the return of the big Red One to Ft. Riley. Many of the properties were added without services and only a handful were given full services. Build it and they will come didn't serve us very well. The debt incurred during this time grew to \$155M and will not be paid off until 2027.

In closing, this bill will help ensure citizens will have a voice on the development that wants to come into their area. It is only fair and time is right is to remove this 3-mile extension beyond city limits. I respectfully ask you for your support of SB346.

Respectfully,

Ben Kitchens

Wesley Keller  
412 E. 2<sup>nd</sup> Ave., Garnett, KS, 66032  
SB 346  
Proponent  
(Written Only Testimony)

Chairwoman and Committee Members,

I am a Proponent on SB 346.

The rezoning of any property should lie solely with the property owner requesting, of their own volition, any change to their property's zoning. The Kansas Constitution's Bill of Rights, Section 1 states that the right to Life, Liberty, and the Pursuit of Happiness shall not be infringed. The "Pursuit of Happiness" was the phrase that the Founders used for property ownership and the right to do with it as one saw fit. In my hometown of Prairie Village, KS, the People are locked in a struggle with the city, as the city is forcefully trying to rezone their neighborhoods against the People's will. This bill will help them and countless others across this State!

Please pass SB 346 favorably out of committee to respect every Kansan's right to control their property pursuant to the Kansas Constitution's Bill of Rights, Section 1.

Thank you,  
Wesley Keller

February 2, 2024

Kansas State Senate

Senate Bill 346 Hearing

Topeka Capitol, Room 142-S

ATTN: Jackie Guttierrez, Committee Assistant

Dear Chair McGinn, Vice Chair Bowers, Ranking Minority member Francisco and members of the Committee,

I am writing in support of SB 346. I do NOT want re-zoning.

Thank you for your consideration.

Sincerely,

Alexandra Maday

3403 W. 73rd Terrace

Prairie Village, KS 66208

Senate District: 7

Alex Maday

m. 913-626-7327 | o. 816-968-5600

Tuesday, February 6, 2024

SB346

Proponent Testimony

Request to appear in person

James P. McGrath

Senate District: 7

Chair McGinn, Vice Chair Bowers, Ranking Minority member Francisco, and members of the Committee, I'm writing this testimony in support of SB346, and I'm asking for your consideration of this bill.

As a resident of Prairie Village (PV), I'm the proud owner of a modest house on a smaller lot. The city, developed just after WWII, has many small lots and compact neighborhoods making it one of the most densely populated cities in KS. Despite this, the mayor and city council continue their harmful push to rezone single family neighborhoods to squeeze in more rental units.

Although United Community Services (UCS) of Johnson County recommends sweeping changes elsewhere in the county, they did not recommend changes such as this in PV due to it already being fully built out. Regardless, the PV mayor, who is a UCS board member, decided to apply the recommendations to PV, and the city council voted unanimously for implementation.

Many citizens have spoken out against the rezoning, written to their representatives, and attended city council meetings. Nevertheless, the mayor and city council continue to press forward. And when over 3,700 residents signed petitions to put the matter on the ballot, the city chose to sue rather than to listen to its constituents!

So, I ask for your support of SB346. This is needed to maintain the democratic process and prevent cities from forcing rezoning without the consent of the property owners.

Tuesday, February 6, 2024

SB 346

Request to appear in person

Robert Gibbons  
Senate District: 7

Chair McGinn, Vice Chair Bowers, Ranking Minority member Francisco, and members of the Committee,

I'm writing this testimony in support of SB 346

My name is Bob Gibbons. I am retired and qualify as a senior citizen. I have owned and lived in two homes in Prairie Village for a collective of 16 years.

Our first home was on a nice lot and had a good “bones,” but took us years and thousands to bring it up to what it you would call current.

But we loved it. There was always something that was in the process of being updated. The neighborhood was quiet, had great neighbors, well kempt yards and even flowers in the yards. The house became “ours.” The realtor emphasized that it is a single owner neighborhood and would stay this way forever.

Our second house was in great shape when we bought it. It too was in a “single family” neighborhood. But the block has many homes in the 50-year age. Many are being demolished and rebuilt.

I learned that the City of Prairie Village was considering “amending” the codes to allow multiple family homes to be built in single-family neighborhoods. Apparently, the mayor and his handpicked board decided that it would be a benefit to amend the codes in every neighborhood to allow duplexes. There was no evidence that there was a movement from owners to change the zone.

It **just isn't right** to change a single-family zoned home to anything else unless a majority of the owners agree to it and even then, I don't think it's OK.

A US Supreme Court Justice refers to the natural law saying that some things are just wrong and should not be allowed regardless of any law to establish it. Murder should not be allowed, law or not. This is the same. It just isn't right to promise a lifetime situation and then cancel it.

Thank you,

Bob Gibbons

Tuesday, February 6, 2024  
SB 346  
Request to appear

Karen Gibbons  
Senate District: 7

Chair McGinn, Vice Chair Bowers, Ranking Minority member Francisco, and members of the Committee,

I'm writing this testimony in support of SB 346.

SB 346 does not make fundamental changes to what cities can zone or rezone. It allows cities to operate under their current zoning rules that have worked in Johnson County and have built the NE part of KS. What it does do is protect the citizens and residents' property rights, assets and their right to have a say in the properties near them.

It protects the residents right on the number one asset...their property and secures zoning regulations that were in place when they purchased their home. It doesn't fall victim to the whim of a mayor or city council trying to rezone, change the rules midstream, or play word games with legislation.

The upzoning and down zoning language actually clarifies and provides definition to terms that cities abuse or are trying to abuse now.

This has nothing to do with annexation. This is about property rights for citizens. Citizens have trusted current zoning laws for 70 years and now cities are trying to rezone and change the rules. Elections do resolve these issues as witnessed in the Prairie Village November 2023 where 4 of the 6 candidates campaigning against rezoning were elected. In addition, 3700 Prairie Village residents signed a citizen led initiative petition asking to stop the mayor and city council from rezoning. The city ignored the residents and sued them. The reason cities can do this is they have an unlimited supply of tax player money.

Residents need the state's protection from cities, mayors, and developers trying to rezone their residential neighborhoods. Residents need the state to represent their best Interest because currently the cities are not doing that.

Chair McGinn, Vice Chair Bowers, Ranking Minority member Francisco, and members of the Committee,

Hello, I am Jeanne Guillot, and I am strongly in support of SB 346. I applaud you for this bill. Here's why. I believe residents should have a say in whether their area is open for rezoning, NOT a decision made solely by city legislators. I am a happy resident of Prairie Village for 35 years. I chose this community because it was so closely residential, so familial, a lovely mix of young couples with children, and older couples who were empty nesters. Even though I was a single career woman, I deliberately looked for a neighborhood with swing sets and playthings in the back yard. I chose this neighborhood! I don't want this neighborhood character destroyed.

Now, this stable residential mix is threatened with potential rezoning, that could easily allow, **WITHOUT MY CONSENT**, building of multi-family dwellings like apartments, duplexes and additional dwelling units in already small back yards. General legislation allowing wide area rezoning would explode our already densely populated area. Raising city revenue by adding units, through rezoning, is NOT a plausible solution.

I am opposed to a rezoning that could be decided without my consent. Nearly 4 thousand residents collectively opposed rezoning in Prairie Village in 2023. Our City Council responded by refusing to let this go to a vote, and then, sued us to stop our vote.

I want my voice and vote to count. I am counting on your representation in this.

Many thanks.  
Jeanne Guillot

Tuesday, February 6, 2024

Chair McQuinn, Vice Chair Bowers, Ranking Minority Members Francisco and members of the Committee

RE: Senate Bill SB 346, Proponent Testimony Only

I'm writing to you in support of Senate Bill SB 346, I ask that representatives consider passing the amendment so that City Officials cannot rezone properties without the consent of the landowners. During 2020 at the beginning of Covid the Mayor, Council members and Planning Committee began organizing and selected an Ad Hoc Housing Committee to move forward with a plan for "affordable housing" which they called "attainable housing" for our current neighborhoods, R-1 and R-2. This was done without the residents knowledge. At that time, our County stated in writing that Prairie Village is landlocked and densely populated. In closing, we love our wonderful City with the charming neighborhood feel

Thank you,  
Jan W. Lane  
Senate District 7

Tuesday, February 6, 2024

SB 346

Proponent Testimony Only

Jerome Hughes

Senate District: 7

Chair McGinn, Vice Chair Bowers, Ranking Minority member Francisco, and members of the Committee,

I'm writing this testimony in support of SB 346. About 2 years ago the Prairie Village Mayor and council blindsided most citizens with unheralded, unrequested, and unnecessary zoning changes. After great efforts the citizens completed the necessary number of petitions requesting a vote on the issue. The mayor sued the citizens and managed to delay long enough to keep the issue off the ballot. Please support Senate bill 346

Tuesday, February 6, 2024  
SB 346  
Proponent Testimony Only

**Subject: My support statement for Senate Bill 346**

I support Senate Bill 346 to disallow Kansas cities to rezone properties without property owners' consent. When people purchase a property, they should be able to be confident that the zoning will stay the same.

Jan Kyle  
Westwood, KS  
Senate District 7

Tuesday, February 6, 2024

Chair McQuinn, Vice Chair Bowers, Ranking Minority Member  
Francisco and Members of the Committee

RE: Senate Bill SB 346, Proponent Testimony Only

I support Senate Bill 346. The residents of Prairie Village cannot allow our Mayor and City Council to continue to try and rule the landowners of this wonderful City. They have tried to rezone our neighborhood (without even a meeting or vote) in order to build multi family dwellings in R-1 and R-2 zones. When we tried to be heard and democratically put it up to vote, they sued us with our own tax money. Our City is landlocked, our schools are mostly filled to capacity. Instead of spending our money to satisfy their visions on attainable (subsidized) housing, they should spend it on schools, streets and the infrastructures in our existing neighborhoods.

I have witnessed the Prairie Village Mayor and Council waiver how they propose rezoning our City neighborhoods to accommodate the affordable aka subsidized housing. Over the past 3 to 4 years there has been a concentrated effort on the part of the residents to have a democratic right to vote. A petition was submitted to the County with some 3,700 Prairie Village landowner signatures and was certified. The Mayor and the Council unanimously voted to pay attorney fees in the neighborhood of \$100,00 to revoke the petition. By the way, the attorney fees were paid with taxpayers money. I believe the landowners should have a voice.

Thank you,  
Kirk W. Carpenter  
Senate District 7